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# Illinois Issues

February 2003 \$3.95

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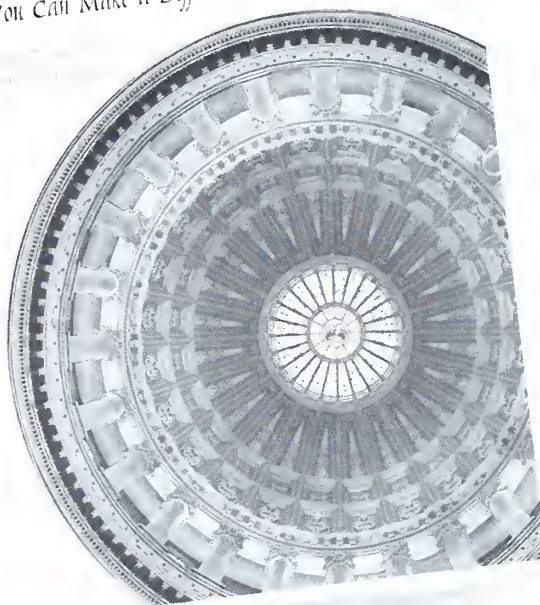
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*Peggy Boyer Long*



## Illinoisans face some old business in this new era

by Peggy Boyer Long

Changing governors isn't as simple as calling the movers. For good or ill, departing residents of the Executive Mansion always leave something behind.

Pundits will debate the relative pluses and minuses of George Ryan's four-year tenure as Illinois' chief executive — and there is an impressive trunkful of stuff to rifle through. Historians will assess the legacy of this endlessly complex politician. Even philosophers

*On George Ryan's watch, the state has gone from a \$1 billion cash balance to a budget hole that threatens to reach \$5 billion.*

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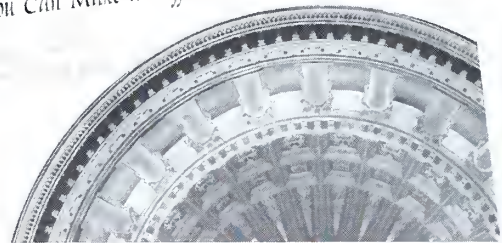
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Changing governors isn't as simple as calling the movers. For good or ill, departing residents of the Executive Mansion always leave something behind.

Pundits will debate the relative pluses and minuses of George Ryan's four-year tenure as Illinois' chief executive — and there is an impressive trunkful of stuff to rifle through. Historians will assess the legacy of this endlessly complex politician. Even philosophers might weigh in on the stunning personal transformation of this confounding and complicated man.

But here's what most Illinoisans already know: When he moved back home to Kankakee, former Gov. George Ryan left us with a few items we'll need to dispose of. Among them, a state budget that is running in the red, a challenge to our capital punishment system that is getting international attention and a continuing series of political corruption indictments, some of which read like scripts from B-movies.

- First things first. On Ryan's watch, the state has gone from a \$1 billion cash balance to a budget hole that threatens to reach \$5 billion.

In this issue, business writer Maura Webber and Statehouse bureau chief Aaron Chambers address the budget crisis and the sour state of the national economy.

It is true that Ryan, along with many other governors, faced a revenue-

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***On George Ryan's watch, the state has gone from a \$1 billion cash balance to a budget hole that threatens to reach \$5 billion.***

withering recession over the past year. Still, it's useful to put his management style into historical perspective.

Jim Edgar, the governor who left Ryan that \$1 billion welcome gift, faced a \$1 billion debt when he moved into the mansion 12 years ago. And he, too, suffered a recession, one that hit Illinois months into his first year as governor. The ever-cautious Edgar, who wasn't a wheeler-dealer by nature, managed to tick off a lot of people with his repeated use of the word "no." Yet when he packed up after eight years in the governor's mansion, the state's ledger was well into the black.

Charlie Wheeler talked with Edgar's budget chief Joan Walters about the challenges that administration faced, and some of the options it considered. The short of it? Edgar managed to dig in and dig out.

Ryan, on the other hand, continued to operate under the old-school rule of politics that getting things done means giving nearly everyone a chance to dig in and make out, leaving taxpayers to pay the freight.

Consider just one example: Illinois First. There's no question the state needed to rebuild its crumbling roads and bridges. There's no question Ryan pulled off an amazing feat by getting his \$12 billion program through the legislature. And there's no question he showed considerable moxie by negotiating increases in license plate fees and liquor taxes to help cover the cost of the program. The annual registration fee went up by \$30 a plate, which, no surprise, was not a popular thing to do.

Ryan stuck to type, though, by rolling one-too-many logs to achieve his ends. He agreed to allow lawmakers to create their own petty cash fund totaling some \$1.5 billion over five years. Northwestern University political scientists Michael Herron and Brett Theodos take another look at this so-called member initiative program, an all-but-off-the-books budget process that enables legislators to use state dollars on such "infrastructure" needs as tutus for a community performing arts center and a special mower to take care of local drainage ditches.

- George Ryan's Amazing Grace conversion on the death penalty should continue to fascinate armchair psychologists in the decades to come. But he left his contemporaries with a difficult social and political challenge: fix a system that has condemned the innocent. And he laid bare deep

## READER ADVICE

*Illinois Issues* subscribers had a few more suggestions to offer Gov. Rod Blagojevich as he settles into his new job.

Our readers took the time to tear out the reply card from the January issue and jot down their thoughts, so we pass a few of them along.

- Learn to say “no.”
- Reduce the reliance on the local property tax for funding elementary and secondary schools.
- Extend the state sales tax to services.
- Act in a bipartisan fashion.

And here’s our personal favorite: “Demand that your wife and children live in Springfield.”

divisions on the fairness, if not the morality, of capital punishment.

Two days before leaving office, Ryan cleared this state’s Death Row. It was the most sweeping exercise of executive clemency in the nation’s history; only the U.S. Supreme Court commuted more death sentences when, in 1972, it swept away the states’ capital statutes.

As Bethany Warner reports from our Statehouse bureau, Ryan commuted to life in prison without the possibility of parole 164 condemned inmates.

Ryan’s three-year struggle with his conscience, which is without parallel among Illinois politicians in the modern era, began when he faced sending a man to his death. He decided to sign off on the execution of Andrew Kororaleis, but felt compelled to issue a lengthy press release explaining in anguished detail why.

After a parade of innocent men walked off Death Row, Ryan instituted a moratorium on executions and formed a commission to study the capital process. That panel issued 85 recommendations for improving a system Ryan called “broken.” Among the suggestions: reduce the types of murder that qualify for a death sentence, videotape interrogations and authorize judges to change sentences to natural life if they disagree with a jury’s decision for death.

Policy-makers could address these and other procedural matters. But in a dramatic 11th-hour speech, Ryan called for more. In explaining his decision to commute all death sentences, irrespective of guilt or innocence, Ryan called Illinois’ capital system arbitrary and unfair. Decisions to seek or impose sentences of death, he said, are affected by geography, race and wealth.

The blanket commutation, and Ryan’s earlier comment that he would abolish the death penalty if he could, set off a trip wire at the center of this issue. Among the responses gathered by The Associated Press on the day of the commutations are two that define the parameters of the debate.

“He’s right, absolutely right,” said former Illinois Supreme Court Justice Seymour Simon. “He’s not only right, he made a very compelling case for what he’s doing, the most compelling case I’ve ever heard anyone make.” But John

Schmidt, Sangamon County’s state’s attorney, told the AP, “I’m outraged. Justice has not been done, and the victims certainly have not been given justice.”

• Is Illinois ready for reform yet? To crib from the late Chicago Alderman Paddy Bauler, maybe it ain’t.

Good-government types thought the political system had come a long way from the days when supplicants pressed cash into officeholders’ hands. But the past four years have offered a powerful lesson on the return of the repressed. Now this state’s “culture of corruption” is actually a defense strategy in the trial of Scott Fawell, Ryan’s top aide while the former governor was secretary of state. We’re getting a good look at how, under Ryan’s watch in his previous post, state employees did political work on the taxpayers’ dime and how documents were destroyed to hide the fact.

But the jaded ought to sit up and take notice of the trial that’s coming up. Prosecutors allege that Larry Warner, an associate of Ryan’s, shook down secretary of state vendors for what amounts to protection money. The indictment, which makes for fascinating if disheartening reading, charges that Warner pressured vendors to kick back cash to keep their contracts. Over time, Warner ratcheted up the payments by thousands of dollars. And during that time, he wasn’t an employee of the state. Even in Illinois, we expect our political scoundrels to at least be appointed or elected.

But what takes this ever-widening scandal into uncharted territory is that people died for others’ personal and political gain. Dozens have been convicted in a probe into selling licenses to unqualified truckers and turning the cash over to Ryan’s campaign fund. In this issue, we detail loopholes that made the scam possible. Reporter John Kelly outlines the policy challenges.

Revelations throughout Ryan’s tenure as governor about this level of corruption has left a load of cynicism that will be hard to remove.

The last chapter on this governor has yet to be written. But the disposition of these items could determine his legacy. □

*Peggy Boyer Long can be reached at [peggyboy@aol.com](mailto:peggyboy@aol.com).*

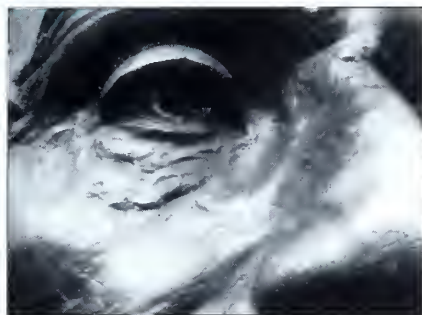


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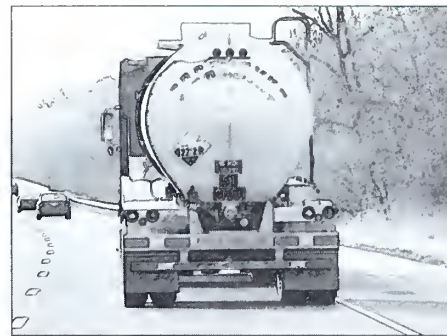
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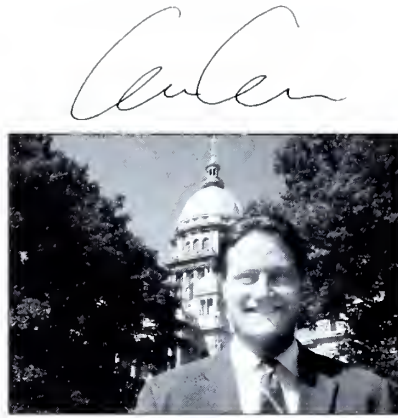
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## Rural communities turn to an innovative development strategy to promote economic survival

by Aaron Chambers

**B**irds of a feather flock together. This adage rings true for businesses in city centers. But it's not necessarily the case in rural areas, where companies with similar interests don't congregate naturally.

Unlike in Chicago, where some industries are magnets for suppliers or distributors, entrepreneurs tend to consider other factors when deciding to locate in less populated areas, including proximity to a waterway or highway, or access to a labor base. This certainly is true in the vast reaches of southern Illinois.

Yet businesses and related interests could find one another with a little help. At least that's the hope for an increasing number of developers. And in their efforts to jump-start the long-depressed economy of southern Illinois, that region's developers are beginning to employ a cutting-edge strategy to help businesses make those connections. They're turning to so-called cluster development — finding businesses with similar interests, then nurturing those relationships.

"We're trying to figure out whether there are a set of industries that we might be able to form some sort of cluster around," says Norman Walzer, director of the Illinois Institute for Rural Affairs at Western Illinois University in Macomb and the study's lead investigator. "Conceptually, you

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*In their efforts to jump-start the long-depressed economy of southern Illinois, that region's developers are beginning to employ a cutting-edge strategy to help businesses make connections.*

try to get industries linked together so that you create a nexus of activity that will then attract other businesses to the area."

Walzer is studying a 16-county area, from Randolph County east to White County and south to Pulaski County. He hopes his research will identify industries that could prosper in that economically depressed region. Factors under consideration include census data and transportation infrastructure. He's also looking at schools and assessing whether job training programs at Southern Illinois University in Carbondale or one of the four community colleges in the region could complement the effort.

Walzer plans to complete the study by August. He launched it last December in conjunction with the Carbondale-based Greater Egypt Regional Planning and Development

Commission, the Harrisburg-based Southeastern Illinois Regional Planning and Development Commission and the Ullin-based Southern Five Regional Planning District and Development Commission. It's funded by a \$99,765 grant from the Economic Development Administration at the U.S. Department of Commerce.

"I don't think this will happen in southern Illinois, but it's conceivable that you go into an area and just find that there is no potential and that there are no clusters," Walzer says. "If that's the case, then it's sort of everybody for himself."

Meanwhile, a similar analysis of the Chicago metropolitan region's projected economy through 2030 is due out late this month. Chicago Metropolis 2020, a coalition of business and civic leaders, is scheduled to release a comprehensive development and transportation plan for that six-county region.

**Business development** has long been a prominent concern at the other end of the state. This year, it promises to gain even more attention as Gov. Rod Blagojevich settles into his new job. He pledged during his campaign to make economic revival in smaller communities, such as those in southern Illinois, a priority.

Blagojevich formed a committee



in mid-January to advise him on economic growth.

In a speech delivered in December to an economic development conference at Illinois State University in Normal, David Wilhelm, chairman of the new governor's transition team, said Blagojevich would "consider a fundamental measure of his success to be how well he has grown the economy and created jobs."

Blagojevich pledged last year to create a \$200 million state-secured venture capital fund for investment in economically depressed communities. The dollars, recruited from private investors, would be funneled to upstarts. Investors would be guaranteed state tax credits if the fund loses money.

"We need to say to investors, 'Look where you haven't looked before. We'll protect you against outside risk. Come on board,'" Wilhelm said.

Wilhelm, senior vice president of the Chicago-based business development firm Wilhelm & Conlon and former chairman of the Democratic National Committee, said the administration would earmark at least \$25 million of the \$200 million to fuel the expansion of value-added agricultural cooperatives in Illinois.

Blagojevich also pledged to create 20 centers where entrepreneurs could get assistance with business planning and marketing. The state's centers would work with existing programs, including those based at community colleges.

Now for the bad news: Wilhelm said Illinois is a long way from economic health compared to other states. And he gave a cloudy forecast for the state's economic future, saying Illinois ranks among the bottom 10 states in basic educational skills, creation of new companies, employment growth, loans to small businesses and capacity of digital infrastructure.

"Our vision must not be limited to existing businesses alone," he said. "We need to think a generation ahead, 50 years ahead, a century ahead, and it is when one looks to the future, the economy of 2050, that concerns start to mount about Illinois' ability to compete.

"At present, in my view, Illinois

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***That region lost a major economic engine, the coal industry, after Congress tightened clean air requirements in the early 1980s.***

simply does not have the building blocks in place to prosper in the economy of the future, and so our economic engine needs a tuneup, maybe an overhaul of sorts. It needs some new components," he said.

"We cannot put an engine designed for a 1972 Camaro in a 2003 Cadillac CTS. And we sure as heck can't put a 1972 Camaro engine in a Cadillac in the year 2020."

And that brings us to the economic development effort in southern Illinois. That region lost a major economic engine, the coal industry, after Congress tightened clean air requirements in the early 1980s. Only a dozen mines remain; thousands of jobs were lost. But there is evidence that area of the state is regaining economic momentum.

The region has been successful, for instance, in attracting tourists who want to hunt or fish or simply visit such destinations as the Shawnee National Forest and Rend Lake Resort in Wayne Fitzgerald State Recreation Area.

Coal also could make a comeback. Developers are eyeing up to three new mines in the region, according to Mike Murphy, former coal development chief at the state Department of Commerce and Community Affairs.

And, in a sign that southern Illinois is growing technologically, four years ago three hospitals were authorized to perform open-heart surgery — a first for that region.

"This certainly puts them on the technological front to provide these kinds of services without its residents having to travel long distances, and obviously these types of services make it more desirable for companies looking

to relocate or expand in the area," says Clark Gyure, a lobbyist for Southern Illinois Health Care, which owns one of the three hospitals. "The key here is that we are promoting the quality of life in this region and telling people that may relocate here to do so because of quality of life."

***Over the past decade,*** cluster development has become a popular model for analyzing regional economies and organizing forward-thinking strategies to promote regional development. Clusters developed naturally in high-technology hotbeds such as the Silicon Valley in California. The concept has been transplanted into other areas. And though the cluster strategy has traditionally been used in urban planning, economic developers have successfully employed it in rural areas as well.

Researchers in Minnesota, for instance, have identified clusters in several rural regions with industries as diverse as high technology and food processing. Lee Munnich Jr., Greg Schrock and Karen Cook of the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota in West Bank, studied what they called rural knowledge clusters in a report published last August. Such clusters rely heavily on a base of localized knowledge about the processes, markets or technologies relating to the products they make.

"Changes in the global economy have forced both urban and rural places to focus increasingly on innovation and competitiveness, and to look for creative niches and specializations," they concluded.

"This development has posed a dilemma for rural development practitioners and policy-makers looking to update their economic base to the changing contours of a knowledge-based economy. What role does a region's historical knowledge base play in creating opportunities for the future? What conditions are necessary for this adaptation and evolution to take place? How do localized institutions catalyze this process?" □

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# BRIEFLY

## A NATIONAL TREND

### Chicago considers smoking ban

Officials at Stephenson County's public health department dream of restaurants and bars free of cigarette smoke. But state law blocks that county and most other local governments in Illinois from passing regulations to blow the smoke out the door.

This could change, however. As Chicago's efforts to ban smoking in public establishments go forward, clean indoor air advocates say such a move could pave the way for a change in state law that would give communities discretion to regulate smoking as strictly as they choose. Legislation to that effect is expected this spring.

"There's so little we can do," says Amy Whitt, director of community health education in Stephenson County. "We know all the information about the dangers of second-hand smoke. We need to protect our citizens. We wish we could do more."

Smoking opponents also cite Illinois' failing grade on smoke-free air standards measured by the American Lung Association as evidence the time has come to change state policy. "It's no surprise that Illinois flunked," says Janet Williams, spokeswoman for the Illinois Coalition Against Tobacco.

Illinois statute precludes local governments from enacting smoking regulations stricter than those enumerated in state statute. The 1990 Illinois Indoor Clean Air Act banned or restricted smoking in public places with such exceptions as bars and bowling alleys.

Nineteen cities, including Chicago, were exempted from the 1990 law because they already had local smoking laws. The law prohibits remaining communities from regulating smoking in public places.

Last month, Chicago's city council entertained two proposals that would ban smoking in such enclosed public places as restaurants, laundromats and bingo halls. An ordinance sponsored by Ald. Edward Burke would go a step further, banning smoking in sports arenas, on golf courses and in all bars. Ald. Ed Smith's less restrictive ordinance would ban smoking only in bars attached to restaurants. As of mid-January, both proposals were pending. Mayor Richard Daley had not taken an official position.

There are opponents. Many in the hospitality industry say a ban would harm the tourism and convention industry in Chicago by driving smoking patrons off bar stools and into suburban restaurants, and send conventions to other cities.

A smoking ban "would be an extreme economic hardship," says Colleen McShane, president of the Illinois Restaurant Association. She says restaurateurs would suffer a loss of revenue because average checks are higher in the smoking sections. "We depend on conventions to fill our hotels and restaurants."

But Williams says if patrons are prohibited from lighting up in public establishments, advocates doubt it will turn Chicago's eateries into ghost towns. "Nobody [cancels] a trip because they can't smoke."

The quality of indoor air in Chicago — and around the state — has generated considerable debate as the City Council considers banning smoking in public places because of health risks associated with second-hand smoke.

Some 2,600 people die each year from second-hand smoke-related illnesses, according to Tom Schafer, spokesman for the Illinois Department of Public Health. He says the anti-smoke effort in Chicago is consistent with a national trend.

Joel Africk, CEO of the American

Lung Association of Metropolitan Chicago, also sees Chicago's ordinance as a motivating factor for other cities, such as Arlington Heights and Oak Park, exempted from the 1990 act, to pass stricter local anti-smoking laws. "We are hopeful that if the Chicago ordinance passes,

it will be the impetus to loosen the restrictions," he says. "The time is now for Chicago to follow the lead of New York and other progressive cities."

New York City passed an ordinance in January banning smoking in almost all bars and restaurants in the city, though it doesn't take effect until later in the spring. Boston outlawed smoking in bars and restaurants in 2001. California in 1995 became the first state to ban smoking. Bars were added to the ban in 1998. Delaware followed suit in 2002. Utah, Vermont and Maine ban smoking in restaurants.

A 2001 Illinois bill to permit local governments to enact stricter regulations passed the House, but died in the Senate. That bill's sponsor, Rep. John "Jack" McGuire, a Joliet Democrat, plans to reintroduce it this spring.

Sen. Christine Radogno, a LaGrange Republican who sponsored the failed attempt in the Senate, believes the measure may have more success if it is reintroduced. "Every day, every year, awareness is growing about the importance of good indoor air," she says.

While the proposed ordinance in Chicago could inspire the rest of the state, Sen. Barack Obama, a Chicago Democrat and co-sponsor of the 2001 bill, says passage could dilute Chicagoans' interest in statewide reform. "How Chicago moves forward will affect the debate."



Bethany K. Warner



## ILLINOIS' 40TH GOVERNOR

### First Democrat in a quarter century

Taking a page from former Gov. Jim Edgar's first days in office 12 years ago, Gov. Rod Blagojevich launched his term by cutting personnel and imposing a hiring freeze.

Blagojevich fired Scott Fawell, the \$190,000-a-year head of the Chicago Metropolitan Pier and Exposition Authority, shortly after taking the oath as governor. Fawell faces charges of political corruption. The next day, Blagojevich fired 35 of outgoing Gov. George Ryan's last-minute appointees.

Blagojevich argues an administrative rule change that reduced the probationary period for those appointees from six months to 30 days is invalid, and that, therefore, the appointees were still on probation and subject to dismissal. The legislature's Joint Committee on Administrative Rules had approved the change at Ryan's request.

The new governor also imposed a freeze on hiring and promotions within agencies under his control.

When he was sworn in as Illinois' 40th chief executive, Blagojevich promised change and said, "No more business as usual. No more cutting corners. No more ducking the tough choices."

The choices will indeed get tough as lawmakers and special interests clamor for attention when budget cutting begins this spring. The new governor, the first Democrat to hold the post in 26 years, projected a deficit of \$4.8 billion by the end of the fiscal year beginning July 1.

Blagojevich was scheduled to deliver his first budget address on the 19th of this month, but he said in mid-January he likely would ask the legislature for a 30-day extension.

He appointed John Filan, managing partner of Chicago-based consulting and accounting firm FPT&W Ltd., as budget director. And he formed a committee to advise him on economic growth. Co-chairs are financial executive James Annable and Paula Wolff, senior executive at Chicago Metropolis 2020. He also appointed state Rep. Julie Curry, a Mt. Zion Democrat, as deputy chief of staff for economy and labor.

Blagojevich didn't say how he might

cut spending or raise revenue to fill the widening budget hole, but he did repeat a campaign pledge not to raise income or sales taxes (see *Illinois Issues*, January, page 16 and October, 2002, page 15). He also renewed his plan to save money by consolidating agencies and eliminating "unnecessary" boards and commissions.

"It took years of mismanagement and waste to create the mess we now face, and it will take tough times and tough choices to fix it," he said in his inaugural speech. "Some say it will take higher sales or income taxes to fix the mess we now inherit. I say we shouldn't ask taxpayers to bail out a flawed system in desperate need of reform."

Also sworn in were Lt. Gov. Patrick Quinn, Attorney General Lisa Madigan, Secretary of State Jesse White, Comptroller Daniel Hynes — all Democrats — and GOP Treasurer Judy Baar Topinka.

The new governor renewed his vow to restructure the Illinois State Toll Highway Authority, improve schools, create jobs and help lower the cost of prescription drugs. And he pledged to fuel small business growth. "I've never understood those people who love jobs but hate business."

Still, the immediate concern among lawmakers and special interests remains how Blagojevich will propose to balance the budget.

Blagojevich tried to make light of the fiscal challenges he faces. Speaking to a crowd at a barbecue the day before his inauguration, he said, "I have to confess that sometimes I think, had I known the budget deficit was going to be as bad as it is, maybe I would have rethought my decision to run for governor."

*Aaron Chambers*

## ILLINOIS' 39TH GOVERNOR

### He didn't go quietly

George Ryan went out with another of those dramatic strokes that had characterized his term as Illinois' chief executive. On the last weekend before turning the Executive Mansion over to Rod Blagojevich, Ryan cleared Death Row. The governor who had shepherded a \$12 billion public works project through the legislature in the first year of his term said he couldn't pick

and choose among the inmates who sought clemency.

He commuted to life imprisonment without the possibility of parole the sentences of 164 condemned inmates, according to the Illinois Prisoner Review Board. That figure includes some who were awaiting resentencing after courts vacated their death sentences, and prosecutors are challenging clemency in these cases. Ryan also commuted death sentences to 40-year terms in three cases where the inmates' co-defendants were not sentenced to death.

And he pardoned four who maintained their murder confessions were coerced by Chicago police. Ryan had previously pardoned Rolando Cruz and three other former condemned inmates found to have been wrongly convicted.

Ryan's action was the culmination of his efforts to reform a capital system he called flawed (see *Illinois Issues*, June 2002, page 17). He declared a moratorium on executions in 2000, a year after taking office, and formed a commission to study death penalty procedures. The panel issued 85 recommendations for reforming the system.

Ryan grew increasingly frustrated with lawmakers who failed to act on any of the panel's recommendations, and with prosecutors who opposed them.

"The legislature couldn't reform it. Lawmakers won't repeal it," Ryan said in a speech at Northwestern University's law school in Evanston, where he announced the commutations. "But I will not stand for it."

Sen. William Haine, an Alton Democrat and former Madison County state's attorney, says clearing Death Row decreases any sense of urgency among lawmakers to approve reforms. Haine calls the commutations an "unprecedented obstruction of due process."

But Gov. Rod Blagojevich's spokesman Billy Weinberg said legislative reform remains a priority for the new administration. And Sen. John Cullerton, a Chicago Democrat and co-chair of his chamber's Judiciary Committee, says reform efforts won't fade.

"The leverage is still there," he says. "The desire is still there."

*Bethany K. Warner*

## RIVER OF NO RETURN Biologists battle carp

Last summer a bighead carp was caught in the Lower Des Plaines River, just 25 miles from Lake Michigan. This might not seem like a big deal, but biologists fear the bighead will wreak environmental disaster in the Great Lakes if it swims north through the Chicago Sanitary and Ship Canal.

Zooplankton populations in the Great Lakes already are under stress, and the addition of a large filter feeder would most likely have a devastating affect on the already vulnerable food chain. Virtually all native species of fish, including many popular sport fish, depend on zooplankton for food while in their immature form.

The bighead isn't the first non-native species to migrate through the canal. The round goby, an invasive fish species in Lake Michigan,

recently used the canal to infest the Illinois River.

Biologists hope to stop the spread of the bighead with an electric barrier, which was installed in the canal in a belated attempt to thwart the goby's trip downstream.

Tests conducted by the Illinois Natural History Survey Field Station at Havana show the electric barrier to be 98 percent effective in deterring carp migration upstream. Curtains of air bubbles also are being tested, along with high volume underwater speakers. Still, the electrodes on the barrier are expected to last only two more years, meaning a new barrier will be needed.

The purchase and construction of a second barrier site, along with upgrades on the original barrier, installation of bubble and sonic

curtains and backup generators to protect against power outages is expected to cost around \$12 million. Those dollars likely will come from a combination of local, state and federal sources. U.S. Sens. Richard Durbin and Peter Fitzgerald of Illinois are co-sponsors of the National Aquatic Invasive Species Act of 2002, which would offer financial support to such projects.

Yet biologists warn that the barriers being installed now afford only a temporary fix. Suggested long-term solutions could range from rerouting the river flow through the Chicago sanitation system to closing the canal completely. Such steps would be costly, controversial and, more important, time-consuming.

And time, biologists say, is a luxury these fish haven't allowed.

*Joseph Andrew Carrier*

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## PRESSBOX

### Death penalty and war

*The New Yorker* published an essay by Illinois lawyer-novelist Scott Turow describing his evolving thinking about the death penalty.

Turow, a former federal prosecutor, served on the panel that issued 85 recommendations for reforming Illinois' capital punishment system. His essay, which appears in *The New Yorker's* January 6 issue, provides some intriguing insight on the panel's deliberations.

But more important, it assesses Americans' historical ambivalence about the death penalty — and his own.

Turow writes that he has gone back and forth on the issue over the years.

For a long time, he writes, he referred to himself as a "death-penalty agnostic."

Turow says one of the panel's chairs, Paul Simon, a former U.S. senator and longtime foe of the death penalty, convinced the group to take a non-binding vote on whether Illinois should have the death penalty at all. Turow says, after wrestling with the question, he voted no.

"I admit that I am still attracted to a death penalty that would be applied to horrendous crimes," he writes. But, he adds, "if death is available as a punishment, the furious heat of grief and rage that these crimes inspire will inevitably short-circuit any capital system."

*The Christian Science Monitor* profiles former Illinois congressman — now U.S. defense secretary — Donald Rumsfeld in its January 3 issue.

The newspaper writes that this Cold Warrior who has been called on to confront terrorism took an early cue from former Illinois Gov. Adlai Stevenson — the idea that a well-informed public will find its way to the right decisions. But only to a point. On the sensitive issues of military commissions and the treatment of detainees, civilian casualties and the ill-fated Office of Strategic Influence, "Rumsfeld has welcomed informed debate, but dismissed much outcry over civil liberties as alarmist."

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# It's the economy, Gov. Blagojevich

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Will Illinois' new chief executive be good  
or bad for Illinois business?

by Maura Webber  
Photographs by Jason Lindsey

Since its role in the Enron financial scandal was revealed in 2001, the once-mighty Chicago-based Andersen accounting firm has been reduced to a shell of its former self. Last October, home appliance maker Maytag announced it will pull its refrigeration production out of Galesburg in the northwestern section of the state and move it to Reynosa, Mexico, to cut costs. In December, United Airlines, headquartered in the Chicago metro region, filed for bankruptcy.

Over the past couple of years, the steady drumbeat of bad news on the Illinois business front has been undeniably grim. As Rod Blagojevich settles into office, many business interests fear the state's first Democratic governor since the early 1970s will move to add insult to injury.

For starters, says Douglas Whitley, president of the Illinois State Chamber of Commerce, there's concern the new administration, facing by some accounts a \$4.8 billion budget deficit, will target business taxes to help make ends meet. And there's worry Blagojevich, backed by a Democrat-controlled legislature, will make the state a less attractive place to do business by increasing corporate expenses, including the cost of insurance for workers who get hurt on the job.

Still, Whitley and others hope the administration will weigh the difficulties businesses face in a sour national economy, and the ripple effect those difficulties can have through lost jobs in Illinois. The U.S. unemployment rate returned to its April high of 6 percent in November, according to the federal Bureau of Labor

Statistics. And stock markets weathered their third-straight losing year since the tech crash first took the air out of the markets.

Given this, the governor would do well, Whitley says, to embrace former President Bill Clinton's refrain: "It's the economy, stupid."

The son of an immigrant steelworker, Blagojevich would appear to favor the interests of workers. Yet during his campaign, he positioned himself as a pro-growth candidate who understands the changing economic challenges employers face, as well as the struggles of their employees. After the election, members of his transition team acknowledged this will be a painful time for business and nonbusiness interests alike.

"This is a state that understands we're in a moment in time that is difficult, that we need to pull together and that we're all going to have our fair share of sacrifice," says David Wilhelm, who headed Blagojevich's transition. "But we've got to do it in a way that has an eye to future growth, and that's what Rod is all about."

Illinois isn't alone in this dilemma. Over the next year or so, states will wrestle with some of their most difficult fiscal problems since World War II, according to the Illinois Tax Foundation, the research arm of the Taxpayers' Federation of Illinois. Some two-thirds of the states report falling revenues and more than half report that spending will exceed revenue in this fiscal year, according to the National Conference of State Legislatures' November *State Budget Update*. All 50 states have a total

budget gap of \$17.5 billion to fill before this current fiscal year ends, and Illinois is one of 24 states where legislatures will be trying to make ends meet with new governors.

It's likely many solutions to the economic crunch, be they cutbacks, tax hikes or economic development incentives, will affect businesses' bottom lines. Last year, for example, some states trimmed their economic development budgets. In the last couple of years, some moved to boost targeted industries. Maryland, New York, Ohio and Washington, for example, enacted measures to expand or authorize gambling to pull in more revenue. Still others are taking a long-range tack by approving tax incentives designed to encourage the growth of venture capital, a concept Illinois' new governor supports.

In fact, support for new business ventures was central to Blagojevich's economic platform during his campaign. Dubbed "Partnership for a New Economy," the plan aims to create about 50,000 jobs through start-ups. It calls for establishing a state-secured venture capital program, the Illinois Opportunity Fund, to encourage investment in downstate Illinois. It also proposes creating more than 20 entrepreneurship centers and revitalizing the state's coal industry.

The fund would be modeled after an Oklahoma program that encourages private investors to put their money into venture partnerships. No public money is invested. Instead, that state offers tax credits if regular rates of return on private investments don't materialize.

In late December, Wilhelm pointed to the plan as evidence of Blagojevich's pro-growth approach. He noted the program, with a budget that will include only minimal administrative costs, is important if the state, known for its manufacturing prowess, is to remain competitive in today's global and high-tech world. "This is a perfect time for us to organize for the future to develop access to capital," Wilhelm says. "We'll be ahead of the curve. The economy will bounce back, and we will be among the nation's leaders."

But judging by the experience of the Oklahoma Capital Investment Board, the benefits won't be evident overnight — or even for several years. Robert Heard of Institutional Equity Associates, which manages the Oklahoma venture capital agency, is quick to acknowledge it's a long-term game. The board was established in 1991 and made its first investment in 1992, he says. To date, Oklahoma

entrepreneurs have received about \$87 million in equity investments from partnerships the board has supported. Further, the board has made about \$31 million in small loans to companies.

Oklahoma doesn't calculate job creation, in part because Heard believes such tallies would encourage the board to stray from its mission of supporting entrepreneurs in favor of recruiting existing manufacturers to the state, businesses that are more likely to bring high numbers of jobs.

Still, Heard says that over the years the board has had considerable success in making the culture of Oklahoma more entrepreneur-friendly. It has helped to transform a small western theme park into Six Flags. Based in Oklahoma City, Six Flags is now one of the largest theme park management companies in the country. Beyond that, the influx of capital into Oklahoma has helped turn biotech discoveries at the state's medical

centers into viable businesses — and keep them in that state. Previously, entrepreneurs often fled with their ideas to other states, Heard says.

"It takes a long time, but if you put in place an industry that's prepared to serve entrepreneurs, then you have the resources when bright ideas surface," says Heard, who notes that the venture capital board has accomplished its goal without costing the state any money. "By doing that you begin to change the culture."

While some entrepreneurs might be encouraged by the venture capital concept, Greg Baise, president of the Illinois Manufacturers' Association, dismisses it as nothing but empty campaign rhetoric. The real litmus test for the Blagojevich Administration's growth-friendly stance, he argues, will be in how it affects the basic expenses that businesses must bear to operate in this state. "We'll get a sense of [which way he is leaning] very quickly."

## Tallying costs in the post-Enron Era

**I**llinois companies and others across the country are facing additional costly challenges as a result of vast changes in accounting and financial reporting standards they already are, or soon will be, required to meet. Unlike the problems related to the economy, some argue these burdens are of corporate America's own making.

This state can lay dubious claim to one of the central catalysts for the change: Chicago-based Andersen's failure to publicly flag Enron's overstated profits prior to the energy giant's collapse. In June the accounting firm was convicted by a federal jury of obstruction of justice for impeding regulators from investigating the financial problems at Enron. The firm subsequently gave up its ability to audit public companies.

Meanwhile, the heightened scrutiny of company books led scores of other corporations to redefine their profits downward, lowering investor confidence and slashing stock prices. Federal legislators ultimately took up the cause, enacting sweeping reforms that will affect as many as 15,000 public companies nationwide. The corporate governance and accounting bill, also known as the Sarbanes-Oxley Act, was signed into law by President George W. Bush last summer.

Among the changes were tougher financial and jail-time penalties for corporate wrongdoers, more stringent standards for corporate board members and the establishment of the Accounting Oversight Board, an

independent regulator of auditors to be overseen by the federal Securities and Exchange Commission.

The act was designed to restore public confidence in the U.S. stock market — trust that had been shaken as scores of companies were revealed to have used misleading accounting practices to mask financial problems. If successful, the law is expected to help investors better understand the companies they invest in and protect them from fraud by requiring a more rigorous and transparent system of tallying profits and losses.

But as companies and regulators struggle to interpret the laws, it's not yet clear whether regulators went too far or fell short of what was needed. What is clear is that the more stringent financial reporting requirements could boost the cost of auditing services by as much as 40 percent, says Larry Gill, a certified public accountant and a law partner at the Chicago firm of Schiff Hardin & Waite. That's a significant jump, considering public companies can pay as much as \$3 million annually to their auditors, essentially outside accountants who certify a company's bookkeeping.

"Everyone wants the public interest to be protected," says Gill, a board member of the American Institute of Certified Public Accountants who worries that honest companies that never did anything wrong will pay a high price for some unnecessary elements of the new regulation. "Well-run companies who have made proper



In fact, Blagojevich's first opportunity to set the tone for his administration could come as early as this spring. Two Democratic lawmakers are expected to push measures in this legislative session that are designed to reap state revenue in the short-term by repealing three business tax breaks. Eliminating all three breaks would save state government nearly \$200 million annually, according to the plan's proponents.

Sen. Patrick Welch of Peru and Rep. Larry McKeon of Chicago want to change a formula companies use to calculate their corporate income taxes, repeal a tax break given to retailers to cover the costs of collecting state sales taxes and shorten the period of time companies can claim operating losses.

Welch also wants businesses to prove that past tax breaks have created the promised number of jobs or risk losing the perks. "It's a kind of means testing for businesses," Welch says. "Everyone is going to have to kick in their fair

share to get through this crisis."

Repealing the so-called single sales factor, a formula used for calculating corporate taxes, would be most lucrative for the state: an estimated \$100 million a year. Actually, the proposed repeal would reverse an earlier change in the formula. Until a few years ago, corporate taxes were based on a combination of in-state sales divided by out-of-state sales, payroll and property. But in the late 1990s the formula was changed so that taxes were based only on in-state sales divided by out-of-state sales. This change unfairly benefited large multinational corporations because in-state sales are sometimes a small percentage of a large company's profits, critics say.

Welch and McKeon also want to repeal a tax break given to retailers to help cover the cost of calculating and collecting sales tax, a provision first enacted in 1950. The provision allows retailers to keep 1.75 percent of the

sales taxes they collect. That might have made sense several decades ago when record-keeping was more laborious, but today's computers have made the process much easier and less costly, say opponents of the refund. Repeal, or at least a cap on the size of the companies eligible for the break, could realize about \$47 million for state government and \$22 million for local governments, Welch says.

The two Democrats also would modify the so-called "net operating loss deduction," eliminating the ability of companies to revise the previous year's taxes to account for a loss. Their proposals also would reduce the length of time a loss can be carried on the books. Depending on the details of the legislation, the modification of this business tax break could allow the state to realize between \$30 million and \$50 million, Welch says.

Supporters of these initiatives include Ralph Martire, executive

financial decisions in the past are going to incur the additional costs."

The devil, as always, is in the details of how the law will be interpreted and utilized, many experts say.

"It's a complex law put together rather hastily and a lot of how it comes home to roost will be determined by how it's put into operation," says Ira Solomon, head of the University of Illinois at Urbana-Champaign's Department of Accountancy.

So far, some industry representatives say they haven't heard much reaction to the new laws from businesses here in Illinois. Greg Baise, president of the Illinois Manufacturers' Association, says that's because it's a nonevent for most businesses that are already following the previous accounting standards. However, he is concerned that the laws' new provisions be interpreted in a way that is realistic about the additional responsibilities they impose on businesses.

Some of the elements of the law went into effect immediately. These include prohibitions against allowing companies to extend personal loans to their executives and the requirement that chief executives must certify the accuracy of their annual and quarterly financial reports, an SEC spokesman says.

On a number of other matters outlined in the act, the SEC is charged with developing the rules that will enforce the law and the agency has been taking comments from the industry on how best to do it. These include provisions regarding the requirement

that company audit committee members (typically a subcommittee of the corporate board) consist of at least one financial expert and that the audit committee be responsible for finding, paying and overseeing the management of outside auditors.

Determining just who has the experience to be considered a financial expert is a matter up for debate, which could affect how difficult and costly it is to find people willing to serve in such capacities, experts say. The heightened responsibilities of audit committee members could require them to dedicate as much as 200 to 300 hours a year to complete the tasks properly, Gill says. That is a concern for board members who usually hold other demanding full-time jobs.

The process of completing the rules related to Sarbanes-Oxley is moving forward even as the agency itself is in transition. SEC Chairman Harvey Pitt resigned in early November and William Webster, a former federal judge named to chair the new oversight board, also resigned. William Donaldson, a former chairman of the New York Stock Exchange, is the new SEC chairman.

Gill and other experts in the field say they're hopeful the changes will deter potential corporate wrongdoers. Ultimately, though, it may be impossible to tell whether or not legislators and regulators have been successful in their intent to make companies more honest.

"If it's effective, you won't know," says Gill. "It's only if you have massive numbers of fraud cases that you'll know something went wrong."

*Maura Webber*

director of the Center for Tax and Budget Accountability, a Chicago-based bipartisan group that aims to represent the interests of the poor in the state's tax policy debates. In fact, Martire thinks the state will need to look for even more cuts and estimates that there are nearly \$1 billion in assorted business tax breaks that should be on the table. It's only fair, Martire says, considering that companies were spared during last year's budget crunch while the state slashed health care and education spending.

Martire also supports decoupling Illinois' estate tax from the phase out of the federal estate tax. As it stands, Illinois is slated to phase out this tax over the next 10 years, with the loss to state coffers rising to \$465.8 million in 2007. While this is not a business tax, it would affect the estates of the state's wealthiest residents, meaning the move could make Illinois less attractive to corporate executives. But because the tax affected only 2,950 of the wealthiest estates in 1999, Martire argues it would be more equitable for Illinois to follow in the footsteps of 11 other states, including Wisconsin, Minnesota and Oregon, and break from the federal fiscal policy. "This is tantamount to giving a huge tax break to the wealthiest of the wealthy," he says.

There is at least one proposed business tax that has garnered some support from the state's retail community. Supporters of the streamlining initiative are hopeful that about 32 state legislatures will enact laws this year to simplify sales tax laws in order to make it easier for catalogue and Internet companies to collect state sales taxes for the state where the buyer is located. Currently the buyer is responsible for paying this so-called user tax, but officials say it typically goes unpaid. David Vite of the Illinois Retail Merchants Association says the state will be missing out on collecting an estimated \$1.17 million annually by 2005 if no change is made. He says the move, which would essentially level the playing field for retailers of all types,



would not constitute a new tax.

Though tax policy is paramount for business interests, there are other policy decisions they expect Blagojevich to weigh in on. One is labor's interest in reinstating the Structural Work Act. Also known as the Scaffold Act, the law was enacted in 1907 and is designed to give recourse to workers injured from falling off scaffolds, as the name implies. But in 1911, Illinois approved the Workers' Compensation Act, which covers all types of job-related injuries. Business pushed to repeal the Structural Work Act in 1995, arguing injured workers were being paid twice for the same incident. Reinstatement of that law would boost insurance costs for construction companies and make Illinois the only state outside of New York with such legislation, opponents say. "In essence, it gives two bites of the apple," Whitley says. "It would unnecessarily increase the cost of construction."

For his part, Blagojevich was treading carefully as he prepared to take office. He was scheduled to issue his

first budget proposal to lawmakers on the 19th of this month, but he was expected to ask for a 30-day extension. Wilhelm says Blagojevich was working to address the deficit. The administration is likely to consider a range of long- and short-term options. On the table are a variety of business tax breaks. And Wilhelm says the administration will review whether those breaks are providing intended benefits. Beyond that, the Blagojevich team is considering reorganizing its economic development agencies, the departments of Labor and Commerce and Community Affairs. Labor also will be looking for Blagojevich to make good on his campaign promise to hike the minimum wage from \$5.15 an hour to \$6.50.

But Wilhelm rejects the notion that the administration will simply side with labor against business. He suggests instead that Illinois government, along with the state's corporations and labor unions, must take a new unified approach to solving the current fiscal problems.

"We've got to get away from the old way of looking at things that says the interest of business and labor groups are somehow at odds. It's a false choice," Wilhelm says. "We need to think differently about the economy of the future, which means we need to become a much friendlier state when it comes to capital." □

*Maura Webber is a free-lance business writer. Her most recent piece for Illinois Issues was about the impact of the slowing economy on children from low-income families.*

## IN MEMORY

Michael H. Hudson was vice president of public affairs at Illinois Tool Works Inc. and chairman of the *Illinois Issues* board at the time of his death in 1992. In his memory, fellow board members established an annual essay to examine a significant economic trend in Illinois and its relationship to public policy. This feature was funded by a donor who asked to remain anonymous. *The Editors*



# Political lesson plans

In a tight budget year, public universities may have to prove their worth

by Aaron Chambers

A 4.9 percent spending increase for the Illinois Board of Higher Education might seem reasonable. After all, the public university system sustained cuts just last summer.

But state government is facing a deficit that could reach in excess of \$4 billion over the next year and a half. That means Gov. Rod Blagojevich and lawmakers will look for ways to trim expenses as they struggle this spring to balance the current state budget and craft another for the fiscal year beginning July 1.

The size of the bottom line could be just one of higher ed's problems, though. Blagojevich and key lawmakers have been suggesting universities aren't watching spending in bad economic times. And that could spur efforts to tighten controls over how university officials use whatever state appropriations they might receive, as well as tuition and fee revenues raised by individual campuses. Currently, the legislature distributes state funds to universities in lump sum amounts, giving campuses leeway on specific spending decisions. Beyond that, schools have total discretion over tuition and fees.

For now, university officials are braced for budget negotiations.

The governor is scheduled to deliver his inaugural spending plan to the General Assembly on the 19th of this month, but he said in mid-January he likely would ask for a 30-day extension. In any case, many state-funded programs and services will be called on to prove their worth. Higher ed leaders in particular could have their work cut out for them.

*Photograph by Barry Boyd of Photographic Services at the University of Illinois*



Former state Rep. Judy Erwin, Chicago Democrat and co-chair of Blagojevich's transition committee on higher education, sends this warning: "One would think [the universities] would individually and collectively be looking for efficiencies. But it appears they just asked for more money, which clearly is not there. So, no, I do not think they are going to get their request."

In the time leading up to the last two years, when budget restraints forced cuts at higher ed, public universities had mixed results with lawmakers. State funding for higher ed had been increasing. Yet, on closer inspection, those increases have been covering a smaller share of higher education's operating expenses.

Between fiscal years 1980 and 2001, state appropriations rose from \$586.7 million to \$1.4 billion, while universities' operating costs nearly quadrupled from \$1.15 billion to \$4.03 billion, according to figures provided by the higher education board, which coordinates the state's public colleges and universities. In other words, the state's share of higher education's operating costs decreased from 50.8 percent to 35 percent. This gap between university costs and state appropriations has continued to widen over the past couple years.

Two key reasons for the rise in operating expenses are the Illinois Student Assistance Commission and the State Universities Retirement System. That's because the state has moved to reduce the unfunded liability of the retirement system and increase availability of need-based financial aid.

Illinois isn't alone. States facing fiscal crunches have limited revenues for public universities. According to the National Conference of State Legislatures, at least 21 states cut higher education appropriations in fiscal year 2003 in an effort to staunch the red ink.

"Higher ed is usually viewed as one of the largest programs, if not the largest, that is categorized as discretionary spending," says Arturo Perez, a budget analyst for the group. "As such, along with the fact that it has a large source of revenue-generating moneys created through tuition and fees, it is often viewed as the balancing wheel for state budgets."

That was the case during the recession of the early 1990s, he says, and there's

nothing to indicate the perception has changed in the current downturn.

University officials are aware of the state's fiscal problems. But they argue they've already cut to the bone. "Anything now, there's just no choice, it's coming out of people," says Randall Kangas, assistant vice president for planning and budgeting at the University of Illinois, the state's biggest public university.

By that, Kangas means the cuts will come from faculty and staff. This fiscal year he expects the University of Illinois will cut some 900 full-time jobs, including 180 faculty positions, at its three campuses in Urbana-Champaign, Chicago and Springfield. At the same time, staff and faculty received no increase in pay. The university also is eliminating courses, increasing class sizes and capping some program enrollments. Should the university system not get its request for next fiscal year, Kangas predicts more cuts.

Among this state's nine public universities are Chicago State University, Northern Illinois University in DeKalb, Eastern Illinois University in Charleston and Southern Illinois University, with campuses in Carbondale, Edwardsville and Springfield.

The \$2.66 billion combined request for fiscal year 2004 includes an additional \$42.9 million to meet contributions for the retirement system, an additional \$37.7 million for the Illinois Student Assistance Commission and \$32.5 million to pay faculty and staff a 2 percent raise.

The general funds request for next year is a 4.9 percent increase over the fiscal year 2003 appropriations of \$2.54 billion. Yet that amount was down \$147 million, or 5.5 percent, from fiscal year 2002. The legislature and former Gov. George Ryan reduced appropriations for higher ed, among other state institutions, in an effort to balance the budget.

Next year's request includes \$327.4 million in general funds for community college operations and grants, an increase of \$7.6 million over fiscal year 2003. The higher ed system's capital budget request of \$341.8 million, distinct from the central budget, is about 1 percent over what it received this fiscal year.

Universities have taken fiscal action independent of the state. They've raised tuition and student fees, which together comprise the other major source of revenue for operations. Between fiscal years 2002 and 2003, the schools raised tuition and fees a weighted average of 12.3 percent. For instance, annual tuition and fees increased 7.5 percent from \$4,814 to \$5,175 at Northern Illinois University, 8.8 percent from \$3,474 to \$3,779 at Chicago State University and 20.9 percent from \$2,526 to \$3,054 at Governor's State University in University Park.

Over the past 10 years, public university tuition and fees have increased 7 percent annually on average.

And the higher ed system's fiscal year 2004 budget request anticipates another tuition increase, though Steven Lesnik, chairman of the higher education board, plays down this component. Given rising expenses at the universities, including teacher salaries, he says, "it looks like in order to meet those demands they will need to increase tuition roughly 3 percent."

That notion concerns policy-makers, who for years have complained that tuition increases are excessive. Though the universities argue the extra money is necessary, particularly as the state funds a smaller share of the load, politicians fear a widening affordability gap — the difference between the cost of education and what lower- and even middle-income students can afford.

There's talk this spring about legislation to restrict tuition increases.

Central to this issue is the state's financial aid program for students from low-income families, which is funded through the student assistance commission. Though the state has over the last decade committed to improving the purchasing power of the Monetary Award Program grants, the proportion of tuition and fees at a public university covered by the grant nonetheless dropped to 69 percent in fiscal year 2003 from 80 percent in fiscal year 2002, according to the commission.

The budget that took effect last summer cut funding for the program by \$38 million, or 10.3 percent, from fiscal year 2002 appropriations.

Certain schools have pledged to help

students cover the shortfall. The University of Illinois committed during the current fiscal year to offset the difference for low-income students between the state's paid maximum annual award of \$4,720 and tuition and fee charges. Southern Illinois University and Illinois State University in Normal have initiated similar programs.

Besides tuition and fees, though, universities seek to raise revenues by soliciting grants, tapping their alumni base and wooing the business community. Kangas says the University of Illinois earned more than \$600 million in private, state and federal grants last year. Most of these dollars are dedicated to specific research projects.

And, higher ed officials argue, the universities engage in routine cost containment. "There's an assumption that our institutions of higher education are not looking for efficiencies and economies," Lesnik says. "But I think if you went university by university and college by college you would see that they are constantly changing things and looking for efficiencies. If they weren't doing that, obviously with the difference in the budget between this year and last year, with \$150 million less than the year before in real dollars, they could never maintain the quality of education that they have."

Still, some lawmakers continue to press the point. And Sen. Steve Rauschenberger says he knows just the button to push. As chairman of the Senate Appropriations Committee until last month, when his party relinquished control of the chamber to the Democrats, the Elgin Republican has been the legislature's most vocal critic of higher education funding. His primary gripe: Professors are not spending enough time in the classroom.

"As we enter tighter economic times and universities need to tighten their belts, they have tools at their disposal besides raising undergraduate tuition," he says. "They could ask for an increase in productivity from their professoriat."

"I'm not saying that they don't work, but what they're working on is graduate education, research, other things that should be secondary priority. Their first responsibility, particularly in times of lean dollars, should be delivering the



undergraduate education that the state of Illinois is paying for.”

Higher ed officials note that teaching isn’t a professor’s only contribution to a university. Public university professors who are active in the classroom, as opposed to those dedicated to research, typically teach four classes per semester, according to the University Professionals of Illinois, one of two unions representing faculty at higher ed institutions. In addition, they sometimes teach graduate seminars. They recruit research grants and conduct that research. They also sit on committees studying such issues as curriculum.

The University of Illinois’ Kangas says getting research dollars is fundamental to a professor’s role. And an employment incentive. If professors were discouraged from this, he says, that would mean less money for research at public universities. And because faculty often mix research and teaching, he says, limiting research time could push professors to other schools. “The faculty are in a competitive situation, putting out grant proposals and getting funding,” he says. “If those faculty decide to go elsewhere, that grant activity goes with them.”

At the same time, faculty salaries comprise 39.1 percent of total university operating budgets this fiscal year. The average pay last fiscal year, according to the higher ed board, ranged from \$54,000 (at Eastern Illinois University) to \$82,300 (at the University of Illinois at Urbana-Champaign), with an all-universities average of \$66,000.

Yet faculty aren’t policy-makers’ only target. There’s talk of limiting administrative positions in the university system to cut costs. Blagojevich said during the campaign he “would not sign any new state budget that anticipates tuition increases, unless universities fulfill his demand that they reduce administrative costs as a percentage of their budgets.”

That statement coincided with the release of a report concluding administrative positions at Illinois’ public universities — defined generally as workers who don’t teach — increased nearly 10 times faster than teaching positions between fiscal year 1993 and fiscal year 2003. The report said that teaching staff increased 3.6 percent while administrative staff increased 33.7 percent.

The report was compiled by Robert Ginsburg, director of the Chicago-based Center on Work and Community Development, a private research and consulting group, for the University Professionals of Illinois.

Kangas of the U of I disputes the study, saying it inappropriately counted certain instructional and research support staff as administrative. “Not every nontenure track position is ‘administrative.’” For his part, Ginsburg responds that the schools delineate personnel spending in broad categories, and that he simply measured the data.

There are other complaints. Lawmakers also might examine how universities blend undergraduate and graduate dollars. Rauschenberger maintains schools inappropriately subsidize graduate programs with general funds and tuition dollars earmarked for undergraduates and that, in doing so, they are retreating from their core mission of educating undergraduates. He points to the universities’ use of undergraduate dollars to offset stipends for graduate teaching and research assistants.

Kangas responds that graduate assistants who teach undergraduates may be paid with undergraduate tuition dollars but that this practice is part of the general instructional mission of the university. He says research assistants to a large extent are paid with grants, not undergraduate tuition. And he says that while this process “is not as clean as an accountant would probably want it,” instruction and research are commonly intertwined.

“A lot of undergraduates are involved in laboratories. Graduate students are of course involved in laboratories,” he says. “When you get a Ph.D., you’re really taught to do research. Even among the undergraduate student body, an awful lot of them are involved in various levels of research within labs or professors’ offices.”

Beyond the use of undergraduate dollars, lawmakers have been critical of the time it’s taking students to get their degrees. The notion that some students are hanging around the public university system for too long by not completing a baccalaureate degree in four years helped propel the legislature last year to limit qualification for monetary award grants

to four years.

Lesnik, the higher education board chair, says colleges and universities are not failing to push students to finish a baccalaureate degree in four years. Rather, he says, there are several reasons students take longer on average to complete a degree today than in the 1970s or 1980s. “Today, a substantial percent of the students are working,” he says. “Today, a substantial percent of the students are going part time. Today, even those who are going full time are taking programs that take at least five years. Today, we have in the higher educational system students who would not have qualified 20 and 30 and 40 years ago and are being remediated so that they can achieve baccalaureate status. Today, we have students who have other distractions.”

Given state budgetary constraints, though, lawmakers appear poised to scrutinize this and other university policies and spending priorities. And efforts to limit university budgeting authority appears to be picking up the most steam.

Public universities gained control of their tuition dollars, called income funds, in 1996. Thereafter, lawmakers began appropriating general funds in lump sums, rather than by budgetary line items that can be voted on separately.

But during the campaign, Blagojevich issued a statement that he would “sign a state budget only if it provides specific accounting, line by line, of exactly how universities are spending state tax dollars and all revenues generated by tuition and fees.”

If the legislature votes to regain control of the income funds, and the governor approves, then those tuition dollars would be diverted to the state treasury for appropriation, together with general funds, back to the schools.

Steve Brown, spokesman for House Speaker Michael Madigan, says that would be a “tremendous reform.” Brown says the speaker, a Chicago Democrat, has supported restoring such authority but the effort failed in the face of opposition from public universities.

“It’s a question of oversight on spending for an element of state government,” he says, “which is what the university system is.” □

# Pork barrel race to the bottom

Illinois history suggests legislators almost always err in favor of constituency interests

by Michael C. Herron and Brett A. Theodos

For any legislature to function effectively, it must strike a balance between serving the greater good of the state it represents and responding to local interests. Consider, for example, the need for Illinois lawmakers to contend with statewide economic problems — severe budget shortfalls come to mind — when potential solutions, say cuts in education spending, are at odds with local preferences.

While the welfare of Illinois could, in theory, be served by legislators who divorce themselves from local demands and focus on boosting the aggregate welfare of the state through budget cuts, the citizens of Illinois would never countenance this behavior. Conversely, though we might be tempted to resolve the dilemma by encouraging Illinois legislators to be slaves to their districts, this clearly is not a viable option either. Imagine a legislature so constituency-focused that state budget woes are ignored by individual lawmakers.

Yet, Illinois history suggests legislators almost always err in favor of constituency interests.

A symptom of such overly zealous attention to local interests is so-called “pork barrel” spending. Broadly defined, pork is state spending on projects designed to sate local constituencies and increase the popularity of incumbent legislators at the expense of state coffers.

Pork, of course, is a natural byproduct of the electoral process. Members of the Illinois General Assembly who wish to be re-elected

must think about how to engender support among their constituents, and promoting programs within their home districts is a good way to accomplish this. But when representatives are permitted to focus almost exclusively on their constituencies, a pork barrel race to the bottom can occur in which each legislator feels compelled to procure projects and programs for his or her district, simply because neighboring legislators are behaving that way.

This race to the bottom is most evident in the General Assembly’s member initiative program. The program, a relatively recent innovation in Illinois legislative spending, has gained notoriety in the past year or two, due primarily to reports out of Springfield that show the program’s priorities are highly parochial and seem in some cases to run counter to Illinois’ overall needs.

The member initiative program in the 91st and 92nd General Assemblies, for instance, funded renovations of a Little League field in House District 28 in south central Cook County and of a local museum in House District 19 in north central Cook County, as well as purchases of tutus for use in performing arts in a northwest suburban McHenry County community in House District 63 and a special lawn mower in House District 111 in the Metro East area across from St. Louis. This is not to say that House District 111 didn’t need a new lawn mower for its drainage ditches or that the arts supported in

House District 63 are not a valuable community asset. The issue, rather, is whether the state should pay for such outlays.

Or, more to the point, whether the state should help finance projects that boost the electoral futures of incumbent lawmakers. Various reports on the member initiative program, and our own research on such spending in the House (available at <http://pubweb.northwestern.edu/~mch927>), show that initiative grants have been disproportionately channeled to electorally competitive House districts and to districts represented by Illinois legislative leaders.

Consider, for example, a \$3 million grant for an athletic Hall of Fame in House District 46 represented by former House Republican Leader Lee Daniels; a \$10 million grant for Chicago State University in House District 22, represented by Democratic House Speaker Michael Madigan; \$6 million for the DuPage County Forest Preserve in Senate District 23, represented by former Republican Senate President James “Pate” Philip; and \$15 million for Chicago State University in Senate District 14, represented by Democrat Emil Jones, formerly minority leader and now Senate president.

In short, member initiatives have provided a publicly funded means for legislators to direct pork to their districts and support their personal electoral ambitions, this despite Illinois’ growing budget crisis. The member initiative program, which



is slated to dole out \$1.5 billion over its anticipated five-year lifetime, is thus a concrete example of how parochial interests can trump statewide priorities.

And it got its start through another classic parochial tradition: logrolling. The member initiative program was created in early 1999 to enlist support from the General Assembly for then-Gov. George Ryan's \$12 billion plan to rebuild the state's crumbling roads and bridges.

How has the initiative program, which is ostensibly all about infrastructure, become a pork pipeline? To put it simply, the rules governing the program were poorly designed. We should add as a caveat, however, that divining these rules is difficult, even for students of the Illinois budgeting process. We know of no formal piece of legislation or existing Illinois statute that explicitly describes how the member initiative program operates, though \$1.5 billion is not exactly pennies in an era of budget cuts.

If the legislative initiative program is allowed to continue under Gov. Rod Blagojevich's administration and the new Democrat-controlled General Assembly, this omission, at least, should be remedied. All Illinois budget allocations should be subject to strict procedural rules known to all so that outside observers can make themselves aware of the state's spending priorities.

Further, the relatively informal rules that characterize the program embody two key failures. First, this program, even more than other statewide budgeting programs, is controlled almost exclusively by the four party leaders in the legislature (one Democrat and one Republican per chamber). Member initiative spending is doled out by this quartet as they see fit, essentially without debate. Anytime a small group of legislators is given exclusive control over public resources, we should expect these resources to be doled out in a way that maximizes constituency pleasure. This process leads to excessive pork at the expense of statewide concerns.

What should be done? Remove control of member initiatives from the

four legislative leaders and require that they be approved by a vote of the General Assembly. Illinois' legislative leaders will always have strong influence over budgetary outlays by virtue of their status within the General Assembly. There is nothing inherently wrong with this, and it would be absurd to expect our legislative leaders to abdicate all personal power. However, if we tolerate budgetary rules that allow no veto powers over these leaders, then we should expect a reign of selfishness in the form of parochial pork that ignores the state's needs.

The second fundamental flaw in the member initiative program is that member initiative grants are not required to be published as line items in the Illinois state budget. Suppose a citizen wants to find out how many member initiative grants his or her representative received and where they were spent. Good luck. There is no source readily available that details these grants. What is needed, therefore, is full disclosure. Every single member initiative grant should constitute a line item in the Illinois budget, and lump sums, which hide individual member initiative grants, should not be allowed.

*Why will full disclosure* help steer the member initiative program away from an excessive focus on parochial projects? We know Illinois' elected legislators have to walk a tightrope between serving Illinois and serving their constituents and their own electoral ambitions. If we allow these individuals — or if they allow themselves — to hide or at least obfuscate their decisions, we should expect them to take full advantage of our lack of diligence. The fear of sunshine could shame legislators into acknowledging the impact of pork on the state's bottom line.

The point here is simple: Budgetary rules matter. We should not expect our legislators to be saints, always able to eschew pork-making opportunities that promise personal advancement and future electoral success. Moreover, we would not want an Illinois General Assembly that consists solely of people who ignore their districts

and focus solely on the state's bottom line. The trick is mediating the tension between service to constituents and service to the state. The solution is procedural openness so that all legislators and citizens can learn what member initiatives are being proposed, debated and approved. And it requires budgetary honesty that bans lump sum appropriations for initiatives.

The good news is that Illinois could be heading out of the member initiative mess with its heavy emphasis on pork. Our new governor, Rod Blagojevich, publicly repudiated the member initiative program during his campaign. And there is a sense across Illinois that voters are tired of fiscal scandals in Springfield. Moreover, the past year has witnessed the departure of two long-time Republican legislative leaders: Daniels, who gave up his House caucus post, and Philip, who plans to resign his Senate seat. These events mean a possible lessening of the stranglehold local interests have on Springfield politics.

But no one should be naive: New budgeting rules will require courageous lawmaking and a willingness on the part of individual legislators to stand up to their pork-minded colleagues. Blagojevich has a role here, too; as governor, he has a pulpit to preach about a new spending culture in Illinois — and a veto pen. In conjunction with better legislative budgetary procedures, a potential culture shift in Springfield could help create the truly responsible and representative government that the people of Illinois deserve. □

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# Can they still drive trucks through them?

Officials try to close loopholes  
in the commercial driver's licensing system

by John Kelly

Until recently, a Polish truck driver immigrating to Chicago had two ways to get the commercial driver's license he needed to practice his livelihood: He could learn a little English and pass the tests in Illinois or he could go to Florida, where, for \$800 to \$1,300, he could get a license without studying English or even taking a road test.

Hundreds chose the second route. They paid bribes to two crooked workers at a Tampa driving school. Federal prosecutors say instructor Hilary Marek Winniczek took applicants to Florida license offices and signaled correct answers to the written test. Then he took them to the school's road test site, where Tony Puleo passed them without administering any test at all. Once back home, these applicants traded their Florida licenses for licenses in Illinois.

Few questions were asked.

That can't happen anymore, say top officials in both states, who have spent the past few years working to close loopholes in a commercial driver's licensing system that was vulnerable to fraud.

The vulnerabilities existed in states throughout the country, where inconsistent standards and testing loopholes were exploited. State workers or those empowered by the states to help test truckers used their positions to make money off people who could not or did not want to be tested.

The result was hundreds of unqualified or unsafe truck drivers on the nation's highways, either because they had never been properly tested or because states were not sharing infor-

mation about repeat offenders with horrible records. The federal government has traced at least nine deaths to drivers who illegally obtained Illinois commercial driver's licenses, CDLs for short. And thousands of truckers across the country have had to be retested.

Now, the feds and state governments also face concern that potential terrorists could take advantage of weak oversight to obtain CDLs by using false identities or getting licensed to haul hazardous material.

In the past two to three years, however, officials in Illinois, Florida and other states say they have added inspectors to check on government license workers and private testers, including increased undercover stings to catch defrauders in the act. They say they have made the written test harder to manipulate and stopped letting applicants bring helpers in the guise of interpreters. And they say they are using technology to check on applicants — making sure they are who they say they are and don't have an ominous traffic rap sheet.

Was it enough? The federal government doesn't think so. Last year, the U.S. Department of Transportation reported that the states and the federal agency assigned to oversee the commercial driver's licensing system are not doing enough to ensure that applicants are who they claim to be, that they are properly trained to drive a truck or bus and that they don't have a history of drunken or reckless driving.

"We found that existing federal standards and state controls are not

sufficient to defend against the alarming threat posed by individuals who seek to fraudulently obtain CDLs," argued the federal transportation agency's inspector general.

Still, state and federal officials say much progress has been made. Two years ago, the Federal Motor Carrier Safety Administration issued its own report, laying the blame for commercial driver's license fraud in Illinois and Florida on weak management by the state agencies overseeing the programs. That report included checklists for reforms. The key problem cited: State workers and private testers could too easily intervene on behalf of unqualified drivers.

In an effort to short-circuit that problem, Florida and Illinois licensing officials now issue written tests to applicants on computer terminals, much like bank ATMs. The computer draws questions at random, says Illinois commercial license administrator Terry Montalbano. So every applicant gets a different test. That also means, he says, interpreters can no longer help applicants.

"It's cheat proof."

As soon as an applicant finishes the test, the results are zapped to state computers. "Even if the fix was in," Montalbano says, no license office employee can change the result.

Both states were asked to increase oversight, as well. Florida's commercial driver's license division chief Skip Hood says the number of "monitors" overseeing state and third-party testers has been increased from six to nine.

Illinois is consolidating testing at



20 sites statewide, thereby reducing the number of facilities the state has to monitor. Both states are conducting more investigations, including undercover stings. And Florida increased that state's authority over private operators.

Further, Illinois no longer lets applicants trade in another state's license — a policy the feds also wanted stopped. All applicants must take the computerized "written" test before getting an Illinois commercial driver's license, Montalbano says.

One federal recommendation was specific to Illinois. It called on the state to prevent license office workers from doing political fundraising on state property and on state time. That is supposed to be illegal anyway. But federal prosecutors in Chicago have alleged it was regular practice during the years former Gov. George Ryan was secretary of state. Federal prosecutors and other investigators have reported Ryan's secretary of state employees were pressured or otherwise led to believe that it was part of the job to help with fundraising. Prosecutors and some former workers say they took bribes to pay for their share of tickets to Ryan fundraising events.

It was this, and the disclosure that illegally licensed Illinois drivers became involved in fatal crashes, that has made Illinois the national poster child for crooked commercial driver's licensing systems.

But Florida and Illinois aren't alone. While they were the locus of the largest federal investigation of improprieties, the federal Department of Transportation has identified criminal fraud in at least 14 other states since 1998. In state after state, government investigations and news reports document state licensing employees and third-party examiners who were illegally selling licenses to unqualified drivers or rigging the system to help others defraud it.

In Mississippi, a state examiner and four trucking company employees pleaded guilty to a scheme under which applicants got passing scores despite failing or not even taking

parts of the test. In Ohio, a third-party tester gave a 10-minute road test instead of the state's 60-minute version. In Georgia, authorities say a third-party examiner sold commercial licenses to more than 500 untested drivers.

Officials say almost every state system also has loopholes that foster identify theft. "It is clear that the current system provides an individual who chooses to produce fraudulent foundation documents with a significant opportunity to illegally hold a valid license or licenses," states a 2002 report issued jointly by the Council of State Governments and the National Conference of State Legislatures. The second group has identified integrity of the licensing systems as a top state government concern.

The same report identified dozens of states' initiatives to tighten their licensing programs. Reforms were proposed throughout the country after it became known that individuals with terrorist ties held commercial driver's licenses enabling them to haul hazardous material.

Despite improvements, the federal transportation department's inspector general found that state systems remain open to corruption. Many do not require applicants to prove they are citizens or reside legally in the United States. Some do not verify applicants' Social Security numbers, though there is a system for

conducting automatic checks.

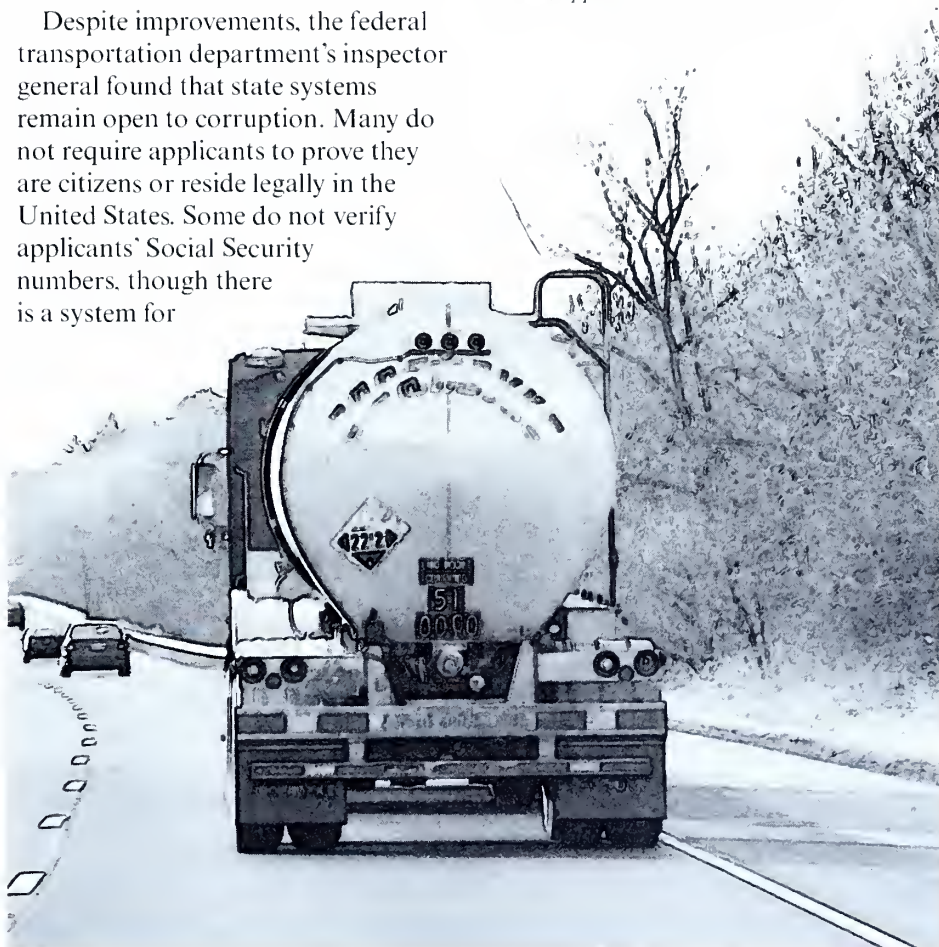
The inspector general also reports that the Federal Motor Carrier Safety Administration, the federal agency that is supposed to be overseeing the states' implementation of the CDL licensing system, isn't tracking the status of corrective actions recommended during oversight reviews of state programs.

Illinois and Florida both "passed" their last reviews, but officials concede all states still have problems to resolve.

"In practice, I believe, few if any states actually fail," says Hood, the top commercial licensing official in Florida. "It is more a matter of whether the list of 'compliance issues' [the safety administration] identifies is long, short or nonexistent."

Hood said the last option applies to few, if any, states. ▢

*As the special assignment reporter in The Associated Press' Chicago bureau, John Kelly covered Illinois state government and statewide issues until last summer. He now works for Florida Today in Melbourne, Fla. His most recent story for Illinois Issues, an analysis of this state's campaign finance laws, appeared in November 2002.*



# AT WAR WITH THE CONSTITUTION

## JUDGING LINCOLN

Frank J. Williams, *Southern Illinois University Press*, 2002

## ALL THE LAWS BUT ONE

### *Civil Liberties in Wartime*

William H. Rehnquist, *Vintage Books, Random House Inc.*, 1998

## BUSH AT WAR

Bob Woodward, *Simon & Shuster*, 2002

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### Review essay by Aaron Chambers

The Latin maxim *inter arma enim leges silent* is a favorite of wartime observers. It means in time of war, the law is silent.

The phrase encapsulates the supremacy of security over liberty that typically accompanies national emergencies. Yet the law is not silent during wartime. It's elastic. In their efforts to exert power, wartime chief executives merely stretch the bounds of the law.

President Abraham Lincoln preferred military action to restricting civil liberties. He put the option of firing on Maryland, where Confederate sympathizers disrupted the flow of Union troops to Washington, D.C., before blocking prisoners from contesting their detentions in court.

But he suspended the right soon after taking office in 1861, and his military proceeded to arrest and detain dissidents throughout the North. In doing so, he also provided a relevant framework for discussion on contemporary dealings with personal freedom.

Civil liberties historically have been a casualty of wartime. This is as true today, with President George W. Bush's efforts to fight terror, as it was during the Civil War. Lincoln was struggling to suppress a rebellion and reunite a nation. The current administration is

avenging the deaths of more than 3,000 people during the September 11 terrorist attacks, while trying to prevent such acts in the future. In both instances, the rule is the same: The nation's chief executive determines the balance between an individual's personal freedom and the nation's collective interest.

Lincoln's paradox was provoked by events in Maryland, where residents rioted and burned railroad bridges to prevent passage of the troops promised to the president by Northern governors. The Copperheads, as Northerners who sided with the South were called, threatened to isolate Washington, D.C., from the rest of the North.

The Maryland legislature convened to consider whether to secede from the Union altogether. Lincoln wrote to his commanding general that if Maryland voted to arm its people against the United States he should "adopt the most prompt and efficient means to counteract, even, if necessary, to the bombardment of their cities and, in the extremist necessity, the suspension of the writ of *habeas corpus*."

Guaranteed under federal law, *habeas corpus* derives from English common law and is generally available to anyone detained by the government. The writ is

a court order directed to the official with custody of the prisoner, and it requires the official to demonstrate the basis for detention. With the writ suspended, prisoners have no mechanism to challenge the legality of an arrest in a civilian court.

The most common present-day use of the writ is an appeal to the federal court of state court criminal convictions when the petitioner believes constitutional rights were violated by state procedure. Death Row inmates in Illinois routinely file *habeas corpus* petitions after exhausting direct and post-conviction appeals with the Illinois Supreme Court.

Lincoln maintained the democratic experiment could succeed only through the preservation of the Union without secession, and he resolved to restore rebellious states to the Union. He said he sacrificed the so-called Great Writ to save the other existing laws — and, by extension, the nation itself. He told Congress that preserving *habeas corpus* could allow "all the laws but one, to go unexecuted, and the government itself to go to pieces, lest that one be violated."

Frank Williams, chief justice of the Rhode Island Supreme Court, exam-



ines this point in his new book *Judging Lincoln*, a collection of essays about aspects of the 16th president's character and leadership. "Lincoln faced this in a no-win position," Williams writes. "He would be condemned regardless of his actions. If he did not uphold all the provisions of the Constitution, he would be assailed not only by those who genuinely valued civil liberty but also by his critics. Far harsher would have been his denunciation if the whole experiment of the democratic American Union failed, as seemed possible given the circumstances. If such a disaster occurred, what benefit would have been gained by adhering to a fallen Constitution? It was a classic example of the conflict: Do the ends justify the means?"

The Bush Administration assumes a parallel posture in its war on terror. And it has pushed civil liberties protections to their limits. In the roundup that followed the terrorist attacks, the government detained more than 1,200 people it accused of fighting against the United States, being material witnesses to terrorism or violating immigration laws. The administration has authorized military tribunals to prosecute alleged terrorists, detained without formal charges American citizens labeled as enemy combatants and held hundreds of deportation hearings in private.

The administration also has broadened the investigatory powers of federal law enforcement officials. For instance, it enacted a rule permitting federal agents to monitor conversations between some jailed defendants and their lawyers. Prosecutors are blending intelligence with criminal investigations. And the Pentagon reportedly is constructing a vast computer system to track Americans' personal data.

The White House calls such measures necessary to prevent further acts of terror. Bush echoes Lincoln's "all the laws but one" rationale in defending his administration's

approach. "The enemy has declared war on us," Bush was quoted as saying a month after the 2001 attacks. "And we must not let foreign enemies use the forums of liberty to destroy liberty itself."

In Lincoln's time, the Maryland legislature did not, as the president feared, vote to secede from the Union. Instead, it voted to preserve its neutral stance between the North and South. Lincoln nonetheless authorized his army to suspend the

George Cadwalader told the court that Lincoln had duly authorized the suspension of the writ.

Taney threatened to haul the general into court, but declined because his marshal would likely have been met with superior force. Instead, he issued an opinion saying Congress alone can suspend the writ. He noted the section of the federal Constitution that permits suspension of the writ "when in cases of rebellion or invasion the public safety may require it" is contained in the congressional article.

Lincoln turned to Congress, and Congress gave him express authority to unilaterally suspend the writ while the rebellion continued. Though Congress rubber-stamped the action, the suspension triggered the most heated constitutional dispute of the Lincoln Administration.

"Not least is the sense that we get, in a case like *Merryman*, of what a clash between the executive and the judiciary is actually like," wrote Williams, who was critical of Taney's decision. "This provides a healthy reminder of how much we usually rely, in the last resort, on executive submission in upholding the rule of law, as it is the executive branch which, under the Constitution, is responsible for enforcing the laws."

Five years after *Merryman*, after Lincoln's death and the end of the Civil War, the nation's top court reached a similar conclusion in a case involving another Copperhead named Lambdin Milligan. An Indiana lawyer, Milligan associated with a group that plotted to overthrow the government. He was tried before a military tribunal and sentenced to death.

The Supreme Court ruled that the writ of *habeas corpus* could be suspended in accordance with the Constitution but that the government could not simply bump a defendant outside the normal judicial process to a military tribunal. In fact, the court said, civilians could not be held for trial before a military tribunal where civil courts were functioning, as they were in Indiana.

Photograph by Cody Moser



writ of *habeas corpus* if necessary to protect public safety while suppressing the insurrection in that state.

Lincoln's decision didn't go uncontested. Actions the following month, May 1861, began a showdown between Lincoln's military and U.S. Chief Justice Roger Taney. The military arrested a Maryland resident named John Merryman on charges of destroying railroad bridges and Taney signed a writ of *habeas corpus*. But the Army refused to produce Merryman, and an aide to General

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***George W. Bush is not struggling to keep this nation intact. Rather, he is moving to protect the nation from an elusive enemy. It should be noted that the government has not formally declared war on terror. Yet Bush is building government power and infrastructure as if in a war.***

The court concluded, "Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln, and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them."

George W. Bush is not struggling to keep this nation intact. Rather, he is moving to protect the nation from an elusive enemy. It should be noted that the government has not formally declared war on terror. Yet Bush is building government power and infrastructure as if in a war. He told Bob Woodward in *Bush at War*, Woodward's book on the administration's deliberations following the terrorist attacks, "The job of the president is to unite a nation to achieve big objectives. Lincoln understood that, and he had the toughest job of all uniting a nation."

This entails a barrage of criticism for Bush, just as for Lincoln. Criminal defense attorneys and groups such as the American Civil Liberties Union are litigating against Bush's post-September 11 policies on all fronts.

In a case involving the proposed use of military tribunals, the Center for Constitutional Rights, a nonprofit legal center based in New York, wants a federal appeals court in Washington, D.C., to direct a lower court to consider the application for a writ of *habeas corpus* sought by Australian and British detainees held at the American military installation in Cuba.

"They don't come out and say explicitly that they're suspending the writ of *habeas corpus*, but in the text of that military order [that provides for tribunals] that's what they're saying: Any person that the president labels as an enemy combatant or that the president labels under the military order will not have access to any court for any remedies," says Timothy Lynch, director of the criminal justice project at the Cato Institute, a libertarian-minded think tank based in Washington, D.C. "That is in effect saying that

the person cannot get into a civilian court using *habeas corpus*. So the president is definitely trying to deny the Great Writ to anybody he accuses of being involved in terrorism."

Another case involves Jose Padilla, an American citizen arrested in Chicago, who is being held by the military. The Bush Administration tied him to the al-Qaeda terrorist network and labeled him an "enemy combatant." At issue before a New York federal court is whether the government can hold him indefinitely.

Other cases involve such concerns as a government policy imposing a blanket ban on public access to immigration hearings of foreign nationals detained after the terrorist attacks, and the pervasiveness of government surveillance.

During all of America's major wars, the government restricted civil liberties in the name of national security. During World War I, Congress passed the Espionage Act, which banned material urging "treason, insurrection of forcible resistance to any law" from the mail. During World War II, the government removed Japanese Americans to internment camps. And in 1798, well before the Civil War, at the time of the French Revolution, Congress enacted the Alien and Sedition Acts. The laws gave the government authority to expel citizens of hostile nations during wartime and made it a crime to speak against the government.

"It is neither desirable nor is it remotely likely that civil liberty will occupy as favored a position in wartime as it does in peacetime," U.S. Supreme Court Chief Justice William Rehnquist wrote in concluding his 1998 book, *All the Laws But One: Civil Liberties in Wartime*. "But it is both desirable and likely that more careful attention will be paid by the courts to the basis for the government's claims of necessity as a basis for curtailing civil liberty.

"The laws will thus not be silent in time of war, but they will speak with a somewhat different voice." □



## Joan Walters

*She was former Gov. Jim Edgar's budget director during most of the Republican's two terms in the 1990s, the last time Illinois experienced a deep recession. When Edgar's team took office, the state faced a \$1 billion debt. Eight years later, with Walters' help, Edgar left a \$1 billion cash balance. Walters is now deputy superintendent for customer service with Seattle City Light, the city-owned utility.*

*Charles N. Wheeler III spoke with Walters about budget problems during Edgar's tenure. This is an edited version of that conversation.*



Joan Walters

**Q.** *In 1991, when you had to put together the state budget, were you prepared for what you found?*

We were a little prepared because the budget transition team had uncovered the magnitude of the problem the state would be facing and we were a part of that discussion. So we weren't surprised by the number, but we did have to act very, very quickly. And this governor will have to act even more quickly because after I left the budget date was moved up.

**Q.** *Yes, it's in February now.*

That gives him absolutely no time to put a budget together. Just the technical part of it, once you make decisions, getting it down on paper and printed takes several weeks.

**Q.** *There has been talk about Gov. Blagojevich asking the General Assembly to push the date back to March. But the difficulty is the legislature's May adjournment, which means less time to go over the budget.*

And it's going to be a whole new ball game. Back in '91, there was a 19-day overtime session as we struggled to make people believe there was a budget hole. I hope they have better luck convincing the legislature that steps need to be taken.

I think there probably is more recognition than in '91 because the recession has been around for a while, whereas in '91 it was really overspending that was the problem, and underfunding of Medicaid [health coverage for low income people]. The recession didn't hit Illinois until [lawmakers] were in session. It was harder for them to come to grips with the fact that they needed to cut so much.

**Q.** *Legislators who went through the agony last spring should be aware of the difficulties we face.*

Where there's probably so few easy choices left, it's going to have to be a roll-up-your-sleeves kind of thing. I hope the Democrats are up to that. I think it's easier for Republicans, only because they can take a more business-like approach. But I wish the governor luck, because I think he's probably got a big job on his hands appeasing a lot of the groups that are traditionally Democratic who will need to feel the pain just like everybody else.

**Q.** *What was your biggest immediate challenge?*

I remember meeting with the head of Corrections at the time and saying, "I know you've got four prisons ready to open, but we can't afford to open them, so you're going to have to figure out a fallback position." It was that

level of intense discussion. It's not easy if you have lots of time. It's just that with the crunch of time, people have to cooperate. In our case they did, but it wasn't easy.

**Q.** *What were some of the options you looked at?*

"Sin" taxes [on such products as cigarettes] and other fees were negotiated during the legislative process. Needless to say, the General Assembly was not happy with all the cuts that were proposed, and, as is their prerogative, they tried to come up with other things, which included revenue options. The governor had a no-new-tax pledge, but he was willing to consider user fees. So there was a modest amount of that.

The tax [on health care providers] was really a way to get more money into the Medicaid program in order to reduce some of the pain on the providers. Our goal was to get the Medicaid [bill payment] cycle down to 60 days, and it was already over 90 or maybe 100 when we came in, which was very difficult for providers. When I left it was 17 days, but that was seven years later. There were difficult decisions that had to be made about cuts in the program, in optional services like dental.

**Q.** *Edgar came under fire for cutting specific programs, and some critics suggested across-the-board cuts would be more fair. Was that an option you thought about?*

No, because the size of the hole was too big. We used that when we needed to do midyear reductions that first year. We passed the '92 budget finally after that 19-day session, and then immediately it became apparent that revenues were not meeting forecasts due to the recession. At that point, we did use across-the-board [cuts] because that's about all you can do when you have such a short period of time. But that's not a very thoughtful approach.

The governor really wanted to give education something, and we gave elementary and secondary education \$50 million. Higher ed was held flat. Had we applied that across-the-board [approach], education would have received a much different allocation. We wanted to make more conscious choices.

***Q. Did you ever consider some of the more exotic things, like borrowing long-term to pay current expenses?***

No, no. We did not believe that borrowing for operations was a good thing. In hindsight, I still believe that's the case. A new administration probably has to look at everything because of the size of the hole they may be facing. But I do believe it's a slippery slope to borrow for operations.

***Q. My understanding was that it's always bad to borrow long-term for current expenses.***

You wouldn't want to do it that long. You might do a short-term thing where you expect a recovery in three years, and you might even impose a surcharge on the income tax in order to get the revenues in years two and three to pay the debt.

You can't count on this recovery. I think this is a very tricky economic period for government because it's hard to figure out what is going to drive a recovery. I don't see a silver bullet out there that's going to cause the kind of growth that government has relied on.

So it appears we're at a crossroads where people are going to have to figure out what are the core functions of government at the state and local level and how do we fund those. I think they're facing some basic questions about how government should operate.

***Q. Are they different from the questions you faced? Is the magnitude of the problem that much higher than what you faced?***

I think the '90s were such an interesting time. It was boom time in terms of growth. The stock market was growing like crazy. People were seeing double digit increases in their portfolios, the high-tech stocks were zooming, inflation was at an all-time low. And governments lived off that income. What happens is you develop a base operation that needs that kind of growth in order to succeed from one year to the next. I think the '90s were so out of proportion to what the future will be. I am not an economist, so I have nothing to base this on that's scientific. But it's my gut that tells me it will be hard to find another period like that in the near future, where you have stunning growth that can drive such huge government spending. Going back to a lower level requires a tremendous amount of discipline and introspection.

***Q. Illinois went through roller-coaster times, with recession at the start of Edgar's time, revenue estimates too high by hundreds of millions. And Ryan had revenue growth of a billion-plus for his first couple of years.***

Exactly. And those are the times when governments need to stash money away in a rainy day fund. By the end of my time, seven years, we were finally at a point where I thought the balance was where it should be and anything from there on should be stashed away. But that is really hard to do when you have a General Assembly that's hungry for projects in their districts and you have education, which is always seeking more than what you can afford. I know the difficulties of trying to stash money away, but I do believe that some lesson has got to be learned from all this, that this yo-yo effect is very difficult on our customers and our taxpayers.

***Q. Did you shift costs to other funds, transfer from special funds?***

We held our noses and did some of that, because it was the only way

we were going to get any agreement on anything. Frankly, I think this governor is going to have to put everything on the table and figure out what's sacred and what isn't. Those weren't the greatest things to do, but they did save us from cutting things like child care, things that people really cared about. And we did preserve, despite all the rhetoric, a great deal of the human services infrastructure during that period. That was the governor's goal — not to harm children, as much as we could possibly avoid it. So it meant carving out difficult cuts and then holding your nose on some other things.

***Q. How were public employee pensions funded?***

I don't think they were. We had very little money to give to pensions, and that's when we proposed the plan for building up the system over a number of years. Hopefully, they're still on that track.

***Q. They are. And continuing appropriations removes temptation for lawmakers to ignore it. Although I suppose that would be something on the table, given our dire straits.***

It will be interesting to see what choices they make. They may have to cut pensions, who knows? They may want to just hold it in abeyance a year or two while they fund more important priorities.

***Q. Any pitfalls you see that Gov. Blagojevich and his team should be particularly careful of?***

I think that they need to be careful to not be overly optimistic about revenues and be overly conservative about spending.

Even though it's a Democratically controlled Statehouse now, I would listen to other points of view. Shutting out other voices will not get you the best feeling for what people's needs are.

So I would caution them to be open-minded and flexible. □



Photograph by Scott Troehler



## Hawkinson named to Blagojevich team

Gov. Rod Blagojevich tapped his election opponent's running mate to join his administration.

Former state Sen. **Carl Hawkinson** of Galesburg, who ran for the lieutenant governor's job in November on the GOP ticket led by former Attorney General Jim Ryan, will serve as Blagojevich's deputy chief of staff for public safety.

In that capacity, Hawkinson will direct the state's homeland security efforts. That position was created by Gov. George Ryan following the September 11, 2001, attack on the World Trade Center in New York. **Matthew Bettenhausen** first held the job, with the office based in Chicago (see *Illinois Issues*, June 2002, page 20). Hawkinson will have his office in Springfield.

A lawyer, Hawkinson was Knox County's state's attorney from 1976 until his election to the Illinois House in 1982. Four years later, he moved to the state Senate, where he chaired that chamber's Judiciary Committee. He ran unsuccessfully for the 3rd District seat on the Illinois Supreme Court in 2000 (see *Illinois Issues*, March 2000, page 35).

## Lincoln Library and Museum advisory board in place

Before leaving office, Gov. George Ryan named individuals to serve on an 11-member advisory board for the new Abraham Lincoln Presidential Library and Museum.

- **Marilyn Boria** of Elmhurst, director of the Elmhurst Public Library, who will serve through 2005.
- **Charles Bryan Jr.** of Richmond, Va., director of the Virginia Historical Society, who will serve through 2005.
- **Warrick Carter** of Chicago, president of Columbia College, who will serve through 2006.
- **Bill Kurtis**, Chicago television producer and former news anchor, who will serve through 2004.
- **Anthony Leone**, a lobbyist, who will serve through 2003.
- **John Roe** of Bradenton, Fla., a former judge and Illinois state senator from Rochelle, who will serve through 2004.
- **Anna Eleanor Roosevelt** of Chicago, a community relations expert and the granddaughter of Franklin and Eleanor Roosevelt, who will serve on the board through 2006.

Named earlier were **Lonnie Bunch**, president of the Chicago Historical Society; **Charles Cullen**, president and librarian of Chicago's Newberry Library; **Richard Franke**, retired chairman and CEO of John Nuveen & Co. Inc., who will serve as chairman of the panel; and **Garry Wills**, historian, author and Northwestern University professor.

The board will be paid expenses only.

## New governor issues pink slips

On his first full day in office, Gov. Rod Blagojevich fired 35 state workers and hired Springfield labor attorney **Mary Lee Leahy** to find "unnecessary and unqualified personnel."

"Our state is facing an unprecedented budget crisis," he said in a printed statement. "The days of taking care of insiders first and taxpayers last are over."

Those fired were among last-minute appointments made by the new governor's predecessor George Ryan. They were meant to be protected for a term of four years. But Blagojevich said he was advised the jobs can be terminated because the rules under which they were made were changed improperly. The legislature's Joint Committee on Administrative Rules approved a reduction in the probation period to 30 days.

Among the workers fired:

- Former state Sen. **Judith Myers**, hired at the Department of Agriculture at \$75,000 a year;
- Ryan's former communications chief **David Urbanek**, hired to head the Illinois Building Commission at \$99,000 a year;
- **Judith Pardonnet**, who got a term appointment for her job as spokeswoman for Central Management Services at the same \$88,000 a year salary;
- **Michael Murphy**, who got a term appointment for his job at the Department of Commerce and Community Affairs at the same \$109,000 a year salary.

Leahy, who won the anti-patronage *Rutan* case before the U.S. Supreme Court, specializes in ethics and personnel issues.

For the latest news see *Illinois Issues* ONLINE at <http://illinoisissues.uis.edu>

## Quotable

“It’s real simple — these people are out of their gourd.”

*Downers Grove resident George Drobney as quoted by the State Journal-Register of Springfield responding to the idea of nominating former Gov. George Ryan for the 2003 Nobel Peace Prize for his stance on capital punishment. Francis Boyle, a professor in international law at the University of Illinois law school in Urbana-Champaign, said he has decided to nominate Ryan for his “crusade” against the death penalty system. Drobney’s daughter was murdered in 1985 by a Wilsonville man who was sent to Death Row for the crime.*

## Three added to Outdoor Hall of Fame

Former Gov. **Jim Edgar** will be honored this month as one of three inductees to the Illinois Outdoor Hall of Fame. Former conservation department director **Henry Barkhausen** and outdoor journalist **Bill Cullerton Sr.** will also be honored during a banquet on the 21st of this month at the Drury Lane in Oakbrook Terrace.

During Edgar’s term as governor from 1991 to 1999, the state acquired more than 38,000 acres of land for recreation and open space, including Site M in Cass County, which was renamed Jim Edgar Panther Creek State Fish and Wildlife Area. Edgar also concluded an agreement with the federal government that began the Illinois River restoration.

Barkhausen served as director of the Illinois Department of Conservation from 1970 to 1973. He helped acquire 15,000 acres of recreation land for the state, including Horseshoe Lake and Shabbona Lake state parks and Volo Bog and Franklin Creek state natural areas. But he has worked for 30 years to protect and restore the Cache River wetlands in southern Illinois. The Henry Barkhausen Wetlands Center at the Cache River State Natural Area is named in his honor (see *Illinois Issues*, October 2001, page 38).

Cullerton has been a voice for sports enthusiasts and their concerns through his writing and as host of WGN Radio’s *Great Outdoors* program for more than 30 years. The area that includes Illinois Beach State Park and North Point Marina in Lake County are named the Cullerton Complex in his honor.

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## Black lawyer could be honored

Noah Parden, the first black attorney in St. Clair County and the first black attorney to argue successfully before the U.S. Supreme Court, could be honored by the Illinois General Assembly if lawmakers approve a resolution introduced by Democratic Rep. **Wyvetter Younge** of East St. Louis.

Parden, who died in 1944 at age 76, did not plan to live in Illinois. He had a successful law practice in Chattanooga, Tenn., but his courage in taking on the white establishment at the turn of the last century forced him to leave his home and start over in East St. Louis, where he again distinguished himself as a lawyer.

Still, he is little known in Illinois history. St. Clair County Circuit Judge **Milton Wharton**, the first black president of the St. Clair County Bar Association and a community activist, urged Rep. Younge to push for recognition of Parden's contributions to the law and to this state.

While still in Chattanooga, Parden took on the appeal of a black man accused and convicted of raping a white woman in 1906. He believed in Ed Johnson's innocence and took the case all the way to the U.S. Supreme Court, which agreed Johnson's case raised serious constitutional issues and stayed his scheduled execution. A mob broke into the jail and lynched Johnson before Parden could follow through with the appeal.

Following that lawlessness and the apparent cooperation of the sheriff, the high court conducted its first, and to date, only criminal trial. It found the sheriff, a deputy and four members of the mob guilty of contempt and sent them to jail for several months.

For his part in the defense, Parden was threatened with death, his house was set afire and his 13-year successful law practice was left in shambles.

Parden then came to Illinois, where he again built a successful practice. And, as an assistant state's attorney in St. Clair County, he again found himself in the midst of history-making events during the 1917 race riots in East St. Louis, some of the most deadly in the nation.

## **BIT** **Kim Knauer**

For two decades, she was the person who could answer just about any question put to her about this state's schools. Kim Knauer served as public information officer of the Illinois State Board of Education, which sets policy for elementary and secondary schools. She also served as assistant to the state schools superintendent, director of communications and manager of public affairs and communications.

She died of cancer on January 2 in Springfield. She was 45.

In addition to her duties as spokeswoman, Knauer managed the state's Teacher of the Year and Those Who Excel programs, as well as the Milken National Educator Award. She worked to give teachers a voice in policy decisions and sought them out as resources for the agency.

Robert Schiller, state superintendent, says, "She was a guiding force in this agency for more than 21 years, and her contributions to it and to Illinois education are countless."

### **Douglas Hoeft**

The Republican state representative from Elgin died December 17. Hoeft, 60, had served in the House since 1993. A former regional superintendent of schools in Kane County, he received a Those Who Excel administrator award from the Illinois State Board of Education in 1985.

### **Timothy Osmond**

The Republican state representative from Antioch died December 17. Osmond, the 53-year-old owner of an insurance service, was elected to the House in 1998. Osmond had been minority spokesman for the House's special committee on prosecutorial misconduct. His wife JoAnn was selected to take his seat in the House.

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## LETTERS

### State could cut budget by following the law

While the governor and the legislature rush to reduce state spending, they are avoiding an area that should not have been the subject of increased spending: parole officers.

Gov. George Ryan doubled the number of parole officers in Illinois. If the legislature had followed the law, no new agents would have had to have been hired, and many of those currently employed could have been set free.

Prior to 1978, Illinois prisoners were governed by an "indeterminate sentencing" law; they were sentenced to a range of years in prison. Thereafter, the legislature determined that judges should impose specific sentences and that inmates be entitled to good-time credit. So instead of getting a sentence of 20 to 40 years, a defendant might simply get 40 years and be eligible for release after 20 years with the day-for-day credit.

Prior to 1978, good-time credit toward diminishing a sentence was discretionary by the parole board. However, after 1978,

all individuals received day-for-day credit for most crimes (violent offenders serve 85 percent of their sentences, while those convicted of murder must serve 100 percent of their judicially imposed sentences).

Yet parole procedures never changed. Before 1978, parole required that inmates go before a board when eligible, and, if released on parole, had to remain on parole until their sentences had been completed. So if an individual was sentenced to 10 to 20 years, and was released on parole after 10, he was on parole until the full 20 years had elapsed.

When judges after 1978 began sentencing individuals to exact terms, parole time should have been left by the wayside. Once an individual has served 10 years of a 20-year sentence, he or she has fulfilled the conditions of his or her sentence.

But the legislature required mandatory supervised release — a form of parole — as a component of every sentence resulting from a felony conviction. And this supervision is required after the conclusion of a prison term.

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Your comments are welcome. Please keep them brief (250 words). We reserve the right to excerpt them.

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Because sentences are now fixed, the use of parole to extend a sentence is unconstitutional. As a paralegal in Cook County, I am assisting two former inmates in their legal challenge to this post-imprisonment supervision requirement.

In essence, the state can cut its budget drastically by following the law. Why isn't the government doing this?

*Stephen Lewis*  
*Chicago*



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Patrick E. Gauén



## East St. Louis could be a showplace but its potential value is noticed by virtually no one

by Patrick E. Gauén

**F**ive nights a week, the East St. Louis riverfront flashes across TV screens coast-to-coast, seen by millions but noticed by virtually no one. It is framed by the legs of St. Louis' Gateway Arch among snippets of landmarks that open Jay Leno's *Tonight Show*.

Visible but not notable describes the history of the tract that former U.S. Sen. Paul Simon and many others see as one of the most potentially valuable pieces of real estate in America. When its time comes, it may be a showplace. But the latest news, almost unnoticed as usual, is that the time is not coming soon.

Eero Saarinen, a noted architect, won a design competition in 1948 for a national park in downtown St. Louis to commemorate westward expansion of the United States. Saarinen's improbable idea for a majestic arch, cutting 630 feet into the sky, was put into concrete and steel. But the really improbable part turned out to be his plan for the Jefferson National Expansion Memorial to include 300 acres on the East St. Louis side of the Mississippi River.

That city was one of the nation's busiest rail switching sites, and a maze of tracks converged across its riverfront to meet 19th century ferries and 20th century bridges. The land was thick with trains and unavailable. The park plan was discussed from time to time, but by the 1960s the slipping community had its hands full with waning

industry, choking pollution, white flight and political corruption that would make Chicago blush.

A series of city administrations rolled out ambitious development plans, proposing to capitalize on the barren tract's enviable location a few hundred yards across water from the soaring grandeur of Saarinen's arch and a beautiful St. Louis skyline that sprouted behind it. Marinas, apartments, stores and amphitheatres were depicted in glorious watercolor. But even with land mostly freed of rails, not one of those renderings led to laying a single brick.

By the early 1990s, there was renewed political interest in Saarinen's park, scaled back to 100 acres but still plenty big enough to freshen the blighted front doorstep of Illinois' second most populous region. One of the backers was Sen. Simon, an Illinois Democrat who envisioned it as home for a Museum of American Cultural History. Congress appropriated \$1.2 million for planning, and something significant actually did happen: The Southwestern Illinois Development Authority condemned 55 acres to land-bank for the project.

About the same time, the Illinois General Assembly authorized riverboat gambling and guaranteed a license to East St. Louis. The authority soon leased the city's best riverbank site — right across from the Gateway Arch — to the Casino Queen on the presumption that, when time came to build the park, the Queen's mooring could be

moved.

U.S. Rep. Jerry Costello, a Belleville Democrat and a champion for the park plan, lobbied city officials to jump-start the project by investing local money. The principal need was for several million dollars to move the looming Continental Grain Co. elevator, something the federal government insisted be done but refused to finance.

Municipal leaders, who had been unable to provide even adequate police and fire protection before taxes on gambling doubled the city operating revenue, had neither cash to spare nor incentive to provide it. Not only would building the park mean moving their golden-goose casino out of its prime location, it would mean taking enough space for hundreds of businesses or homes off the tax rolls forever.

So eventually the authority sold the land to the casino. Most of the money appropriated for the park was shifted to help refurbish exhibits at Chicago's Museum of Science and Industry.

And finally, in December, the last known cash set aside to expand the Arch grounds eastward — a modest \$234,103 toward planning a four-lane access road — was melded back into the federal budget with no objection from its steward, Costello. It was a quiet but almost-certain finale for the late Saarinen's unfinished 55-year-old dream. □

*Patrick E. Gauén writes an Illinois column for the St. Louis Post-Dispatch.*

*Mike Morsch*



## **Long lines didn't mar my experience at the driver's services facility**

by **Mike Morsch**

**D**uring the 2002 campaign, Kris Cohn, the Winnebago County board chairwoman and Republican candidate for secretary of state, complained that Illinois citizens are frustrated with long lines and an unresponsive bureaucracy at driver's services facilities.

Nothing was mentioned about long lines at the post office, the grocery store, the restrooms at Bears games in Champaign or at the offices of prosecutors who want to question anyone who ever worked for former Gov. George Ryan.

Incumbent and eventual winner, Secretary of State Jesse White, pooh-poohed Cohn's claims, saying he had everything under control and had instituted numerous reforms in the office over the years.

As one who needed Illinois license plates and a state driver's license, I was hoping White was right. But, just in case, I set aside an entire morning on each of two days hoping the lines would be manageable.

They were. Mostly because there weren't any lines at all, at least at the Springfield facility I patronized. I had, though, anticipated an unresponsive bureaucracy, which I was fully prepared to gripe and moan about because what would a driver's services facility be without people milling about griping and moaning. I certainly wanted to contribute to that process.

But on the day set aside for license plates, I was in and out in 10 minutes. I had to spend the rest of the allotted time griping and moaning about how I had canceled all the appointments I could have kept.

I did figure the driver's license part of the equation would be more challenging, simply because, as an out-of-stater, I was required to retake the eye test and the written test. I contemplated raising the argument that as an Illinois native who spent the first 24 years of a 26-year driving career with an Illinois license, I should be covered by some grandfather clause that I could invoke to avoid the written test.

No such luck. And I wasn't about to cause trouble for the public servant who had absolutely nothing to do with making the rules. In fact, I would offer that each legislator, who does have something to do with making the rules, should be required to spend one day a term at a driver's services facility listening to complaints just to give the workers a break.

The eye test was easy. The first letter on the eye chart is always a very big "E" and I had that memorized. So I stuck my face into the eye test machine and shouted "E!" before the public servant had a chance to offer verbal instructions. I thought this was funny. She was less amused.

"Please read the fourth line," she

said. "But those letters are a little smaller," I countered, pointing out that since there wasn't a line, we had plenty of opportunity for some tomfoolery. I failed to take into consideration that this woman could have given me the secret 1,000-question written test reserved for wise acres rather than the standard 29-question test.

I am happy to report that not only was I fortunate enough to get the 29-question test, I correctly answered 28 of the questions, which suggests to me that somebody needs to think up tougher questions.

All that remained was my formal portrait sitting, otherwise known as the driver's license photo shoot. I'm not sure what kind of camera is used for this photo, but it has to be the It Will Make You Look Stupid and Ugly model. I'm not sure how many chins this camera added to my face, but it was more than the three I already have.

So long lines did not mar my experience at the driver's services facility. As the head honcho, Secretary of State White and his crew deserve a tip of the cap for making my experience as painless as possible.

Which wouldn't have been the case had I been asked to take the tumbling test. □

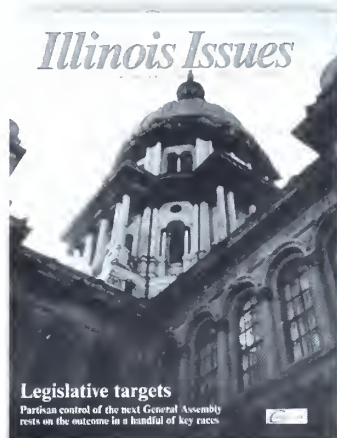
*Mike Morsch can be reached by telephone at 217-206-6521 or through e-mail at [morsch.michael@uis.edu](mailto:morsch.michael@uis.edu).*



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Charles N. Wheeler III



## The Hot Rod Express speeds toward a Budget Deficit behemoth

by Charles N. Wheeler III

**"I** think I can, I think I can, I think I can." Repeating that optimistic mantra, a bouffant-haired figure shovels coal into the firebox of a speeding locomotive bearing a "Hot Rod Express" nameplate.

Looming ahead, a gargantuan figure wearing a "Budget Deficit" T-shirt sprawls, bound, across the tracks. "Think again," says the behemoth.

Appearing in the Inauguration Day edition of the *Springfield State Journal-Register*, Chris Britt's editorial cartoon neatly summarizes the storyline of the drama that will unfold in the Statehouse and across Illinois in coming months: Can Gov. Rod Blagojevich deliver on the promise of his campaign in the face of the state's worst fiscal crisis in memory?

Whatever others may think, the new governor certainly believes he can, and if energy and enthusiasm are the criteria, he'll succeed hands down. In a well-written, superbly delivered inaugural address, Blagojevich entertained no doubts that he can meet the challenge. Relatively short at little more than 15 minutes, the address was more inspirational than informational, a stirring appeal to some 5,000 dignitaries and guests in the capital city's convention center — and to thousands of others watching and listening around the state — to believe in a better future for Illinois and to trust in the new governor to lead the way.

---

*The governor vowed to rewrite state ethics laws and renewed his pledge to close the budget gap without raising income or sales taxes, even while moving ahead with important initiatives.*

Invoking the goodness of Illinois' people and the strengths of its families as his inspiration, Blagojevich — the first Democrat elected governor in 30 years — pledged a new beginning.

"I did not run for governor to be a caretaker," he said. "I did not run to manage a state of decline. I did not run to maintain the status quo. I am not here to serve just the few. The mandate we claim today ... is simple and clear: no more business as usual, no more cutting corners, no more ducking the tough choices. It is time for a change, and make no mistake about it, today is the first day of a new beginning for Illinois."

Blagojevich acknowledged that the state's fiscal problems are graver than

he suspected, with a budget deficit now projected at nearly \$5 billion, part of a legacy that includes, he said, "an economy where too many are left behind, a health care system that leaves our elderly at the mercy of drug companies, rising tuition costs that make the dream of college unattainable for too many families and a system of corruption that has become too commonplace, too accepted and too entrenched."

"This is a moment of crisis," he said. "Some will say it is time to merely manage problems, not solve them. ... I say we must move forward as Illinois always has done in times of crisis. We will meet our challenges head on and we will do it by rejecting the politics of mediocrity and corruption. You voted for change, and I intend to deliver."

The governor vowed to rewrite state ethics laws and renewed his frequent pledge to close the budget gap without raising income or sales taxes, even while moving ahead with important initiatives.

"We will balance the budget, and we will end the budget games," he said. "It took years of mismanagement and waste to create the mess we now face, and it will take tough times and tough choices to fix it. Some say it will take higher sales or income taxes to fix the mess we now inherit. I say we shouldn't ask taxpayers to bail out a flawed system in desperate need of reform."



Instead, Blagojevich said he will consolidate state agencies to reduce waste and increase accountability and eliminate unnecessary boards and commissions, which he termed "way stations for patronage at taxpayer expense." In addition, he pledged to rebuild "from the ground up" the Illinois State Toll Highway Authority, which Democrats long have regarded as a suburban Republican patronage bonanza.

Despite the state's dire fiscal straits, Blagojevich promised "new and bold ideas to help lower the cost of prescription drugs, to improve our schools and create jobs." During the campaign, the Democrat offered detailed proposals in all three areas, with estimated price tags totaling hundreds of millions of dollars.

Extolling the virtues of working men and women — symbolic of the union members who played such an important role in his election — Blagojevich pledged to support their right to "a good, living wage." But he also vowed

***All that might seem  
a tall order for a rookie  
governor facing a  
\$5 billion budget hole,  
but Rod Blagojevich  
appeared unfazed.***

to be a pro-growth governor, assisting those who provide the jobs. "We will help small businesses grow, we will nurture an entrepreneurial spirit that fuels innovation and growth, we will work to bring opportunities to every part of Illinois," he said.

All that might seem a tall order for a rookie governor facing a

\$5 billion budget hole, but Blagojevich appeared unfazed.

"We have a choice to make today," he said. "We can choose to believe, or we can choose to despair. We cannot let cynicism become the death knell of progress. We cannot let pessimism become a roadblock to innovation. The one thing that we know for sure is that the future of Illinois has never been made and will never be made by cynics and naysayers. The future is always made by people who believe that here in America anything is possible."

Hopelessly Pollyannaish? Maybe. Overly idealistic? Perhaps. The words of a naive reformer? Possibly. But on this clear, cold January day, even the rhetoric of renewal was a welcome change. □

*Charles N. Wheeler III is director of the Public Affairs Reporting Program at the University of Illinois at Springfield.*

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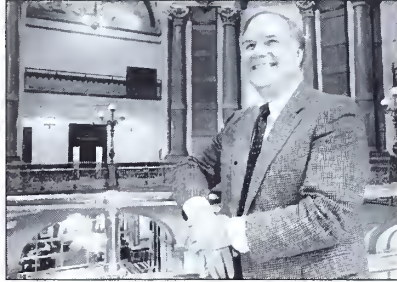
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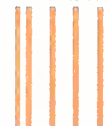
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